

NATIONAL MUNICIPAL REVIEW

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Connecticut Raises a Standard	<i>Editorial</i>
Strengthening Home Rule.....	<i>Rodney L. Mott</i>
Home Rule for 'Whole City'	<i>Joseph H. Crowley</i>
Court Outlaws State Aid.....	<i>James E. Larson</i>
'Ireland Must Be Heaven'	<i>Richard S. Childs</i>
More Hoover Items Submitted to Congress	189
Counties Seek Manager Plan, Home Rule	196
Australian Senate Members Chosen by P.R.	199
Pennsylvania Borrows Record Sum	202
9000 Voters Nominate Candidates by Postcard	206
Research Shows Way to Better State Government ..	211

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Contents for April 1950

EDITORIAL COMMENT	170
STRENGTHENING HOME RULE	<i>Rodney L. Mott</i> 172
HOME RULE FOR 'WHOLE CITY'	<i>Joseph H. Crowley</i> 178
COURT OUTLAWS STATE AID	<i>James E. Larson</i> 182
'IRELAND MUST BE HEAVEN'	<i>Richard S. Childs</i> 186
NEWS IN REVIEW	
CITY, STATE AND NATION	<i>H. M. Olmsted</i> 189
COUNTY AND TOWNSHIP	<i>Elwyn A. Mauck</i> 196
PROPORTIONAL REPRESENTATION	<i>George H. Hallett, Jr.</i> <i>and Wm. Redin Woodward</i> 199
TAXATION AND FINANCE	<i>Wade S. Smith</i> 202
CITIZEN ACTION	<i>Elsie S. Parker</i> 206
RESEARCHER'S DIGEST	<i>John E. Bebout</i> 211
BOOKS IN REVIEW	217

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NATIONAL MUNICIPAL LEAGUE

Connecticut Raises a Standard

EVER since the convention of 1787 the country has been indebted to Connecticut for the "great compromise" bearing its name which reconciled large and small states to a central government strong enough to maintain a powerful and prosperous union.

Now Connecticut again puts the country in its debt. This time it is for *The Report* of the Commission on State Government Organization, Connecticut's "Little Hoover Commission." *The Report* may prove to be a turning point in the history of our federal system.

In a simpler age Jefferson pointed out that strong state governments were the only barriers to encroachment by the federal government. This is even truer today when many activities require cooperation among federal, state and even local agencies. A typical state government with a lumbering, ineffective legislature, with an essentially headless state administration and with local governments deprived of the power to stand on their own feet, is at an almost hopeless disadvantage in dealing with Washington.

The natural advantages of the state—closeness to the people and superior agility in adjusting programs and meeting changing needs—have been largely sacrificed to outmoded structure, self-imposed restrictions and inadequate research and planning. As a result the federal government is often ahead of the states in understanding and meeting needs for which they are responsible.

But if Connecticut will take the

prescription of its commission, and if other states will follow suit, the balance will surely become more favorable to state and local self-government.

The report itself and the commission that produced it are in the tradition of the statesmanship that founded the republic. Here is the historic setting of the report as the commission sees it:

"This report comes at the midpoint of a century of profound changes. In our studies of today's needs we are mindful that the century has half its course still to run. We aim to build an enduring structure.

"We have full faith in the American genius for self-government and in the strength of American political traditions. Better government begins at home. To enable the state government to carry its responsibilities effectively, and so to avoid where possible the concentration of responsibility in Washington, greater efficiency at the state level is needed."

In order to achieve "an enduring structure" the commission proposes the most comprehensive attack on basic problems of form and structure yet undertaken by any state. The ten explanatory chapters of *The Report* are models of clear, persuasive exposition and application of tested principles.¹ The text of the ten acts to accomplish the program, including a complete new state constitution, are equally well conceived.

¹For a description of these proposals see the REVIEW, March 1950, pages 140-141.

Since the need for the reconstruction of state government is equally great in most of the other states the reasons for the outstanding quality of the report are worth noting.

As the commission points out, it was authorized to "study all the functions of state government." It soon found that the more effective state government which it was directed to seek called not only for "stronger management in the executive branch" but also "for strengthening the General Assembly and the courts, and for new controls in the hands of the citizens." It also noted:

"No test of the sincerity of our political beliefs, no test of the fitness of the machinery of our state government is so crucial as the success of the state in enabling the citizens in their own communities to handle for themselves the governmental problems that properly belong to them for solution. Local self-government is our oldest political institution, and it should be the most vigorous. That way lies the avoidance of unnecessary centralization, whether in the state capitol or in Washington."

These objectives all pointed to the need for constitutional revision.

So, the first reason for the distinguished performance of the commission is the breadth of its mandate and its own fearless acceptance of all its implications.

Second, the commission, with an appropriation of \$125,000, was better financed than most state reorganization commissions, and this appropriation was supplemented by a great deal of expert service at no expense to the state.

Third, the commission assembled the most impressive array of talent ever engaged in a state survey. More than 120 specialists, working on 22 teams, put in nearly 3,000 man days.

Fourth, the commission stands firmly on the findings of its research and its own clear understanding of fundamentals of organization and government. While determined "to keep all the foundations and superstructure existing that are serviceable for building a better government," the commission declined to fritter away its moral authority by pulling punches or offering weak compromises with expediency, prejudices or entrenched interests. This will mean opposition from the selfish and the shortsighted but the commission pins its hope "on cooperative action in which partisan views and vested interests are laid aside for the common good."

This is the course of wisdom and the only one by which Connecticut and the other states can hope to play the role that they must if our system is to remain healthy and truly democratic. It took heroic and fundamental measures to establish the union. Its preservation demands no less of this generation.

Connecticut is fortunate in the caliber, devotion and exceptional competence of its Commission on State Government Organization. Its chairman, Carter W. Atkins, and his associates, Oliver B. Ellsworth, G. Keith Funston, James Lee Loomis and James G. Rogers, Jr., have raised a standard not only for their own state but also for all others as well.

Strengthening Home Rule

If federalism works between nation and states why not a similar relation between states and cities?

By RODNEY L. MOTT*

LESS than half the states give their cities the essential tools for democratic self-government. In most states local governments are under direct control of state politicians, whose frequent meddling in municipal affairs has been upheld by the state courts on the theory that legislative powers over cities are "plenary," "supreme," "absolute" and "unlimited."

Cities are not only unable to choose the services they will render their citizens, they continually find it necessary to beg the state for funds to pay for the services which the state permits or requires them to undertake. If the states had deliberately set out to destroy the grass roots of democracy, they could hardly have invented a more effective device for doing so than the system of legislative tutelage which many of them employ.

The people of a score of states have attempted to protect local democracy by giving the cities "home rule"—that is, the power to frame, adopt and amend their own charters.

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In these states city dwellers have been "empowered to determine their local affairs and government" and to make ordinances "relating to their municipal concerns." Some states have even granted them "all powers of local self-government." But the powers which the people have granted the courts have taken away. In decision after decision municipal powers have been whittled down until one can count on the fingers of one's hands the states which now give cities reasonable freedom to decide what services to undertake.

As early as 1913 the Ohio Supreme Court warned against this "embezzlement of municipal powers" by the state. Unfortunately, this warning was not heeded in most of the states, or indeed by the Supreme Court of Ohio itself a few years later. As a result the courts have assumed the task of deciding if a city can build a hospital, impound stray dogs, license ice cream peddlers, regulate local bus fares or establish a reserve fund—a task for which judges have neither the training, knowledge nor political skill.

If terms like "municipal concerns" or "local affairs" had a precise or fixed legal meaning, the court might be able to apply them. But these phrases are ambiguous and political rather than definite and legal. As a result, the decisions interpreting them have piled distinctions without differences on each other until the law of municipal powers is in utter

confusion and local officials cannot tell how far their authority extends.

Nor are the courts entirely to blame for this result. We have given them an impossible task to perform. The question of which level of government should provide a given service is essentially a political one and should be determined by the political agencies of government.

Politics vs. Judiciary

Policy making by judicial hair-splitting is bad for the courts and bad for the cities. It has increasingly perverted judicial functions into political ones, consuming time and energy which should be devoted to legal problems. It has forced the cities to plead questions of policy before judges who often have little appreciation of the problems of municipal government. Two cases will illustrate how unsympathetic the courts frequently are.

One of the reasons for adoption of home rule in Ohio in 1912 was the resentment caused by the attempt of the state to take over control of the Toledo police force. Nevertheless, the Ohio Supreme Court held, 32 years later, that the grant of "all powers of local self-government" did not give Cincinnati full control of its police department.

In like contempt for municipal interests, the New York courts have held that a local law reorganizing a board to license local plumbers does not relate to the "property, affairs or government" of the city of Binghamton. The court's theory was that health is an affair of state concern, plumbing is related to health, plumbers are necessary for plumbing, the

board licenses plumbers, therefore the membership of the board does not relate to the city government.

If cases like these were unusual they would not cause great concern, but the fact is that cities in every state are forced to wage a continuous legal war for the privilege of serving their inhabitants. The people of California found it necessary to amend the state constitution eight times before they convinced the courts that they meant what they said when they gave the cities authority with "respect to municipal affairs."

The key to successful home rule is not to be found in the particular wording of the constitutional formula conferring powers on the cities. It is rather to be found in the ability of the cities to bring powerful political forces to their aid in their struggle for local democracy. In spite of frequent amendments to the California constitution, the cities of that state achieved effective self-government only after they had secured a system of legislative apportionment which insured fairer urban representation in one house of the legislature.

In states like Michigan, Wisconsin or Minnesota, alert and aggressive leagues of municipalities, ready to fight for the rights of the cities, have given local self-government a better chance of success. In states like Oregon and New York, where political interest and participation runs high and where the political parties are fairly evenly divided, the cities have been able to minimize the evils of state interference.

The chief value of the constitutional grants of power has been to

furnish a rallying cry for the political forces favorable to local democracy. Without the support of those political forces the cities have found constitutional clauses weak barriers against inroads on local rights.

What is really needed to protect the foundation of our democratic system of government is a revolution in our political thinking. We recognize that the states are equal partners with the national government but cling to the idea that the cities are but creatures of the states. If the federal principle is useful for the nation, why should not a similar relationship between cities and the state be desirable? While federalism is not a complete protection against the encroachments of centralization, it has given the states much stronger protection than home rule clauses have given the cities. This is largely because the federal principle itself protects the political influence of the states, whereas most home rule provisions leave the cities in an inferior position. A grant of home rule is still a grant from a superior to an inferior whereas local federalism recognizes the cities as the political equals of the state.

The theory that the city is but the stepchild of the state is by no means sacrosanct. Indeed, it did not obtain wide acceptance until the last quarter of the nineteenth century when Judge Dillon foisted it upon us. The judge was an eminent legal scholar and was well versed in the judicial decisions of his day. So great was his influence that his doctrine that municipal corporations are "simply agencies of the state that creates them" and "are subject alone

to the control of the legislature" supplanted the principle of the inherent right of local self-government which had been tentatively espoused by Judge Cooley in Michigan.

Rise of Dillon Theory

Dillon's theory was not based on a study of the traditions of American political life. Nor was it conceived as part of any fundamental theory of democracy. Had the Iowa judge studied either history or political theory, instead of immersing himself in the decisions of his brother judges, he might have tempered his statements somewhat.

Dillon, like many other northern judges in the post Civil War period, was greatly influenced by two factors: (1) fears of localism which that conflict had generated; and (2) the abuses of slovenly local government on the frontier of an expanding country. Those conditions are no longer with us, but the prejudices they inspired live on to plague our political life.

There is no theoretical justification for a national federalism which does not equally support local federalism. The adoption of federalism in the nation and the acceptance of centralism in the state were both merely accidents of history. Indeed, the argument for local federalism may be stronger than that for national federalism. The states are no longer charged with such overriding duties as national defense or the integration and control of our economy, duties which perhaps can only be performed by a centralized government.

Furthermore, the dramatic char-

acter of the services provided by the nation focuses public attention on them much more sharply than it is focused on prosaic state functions. Because national services are in the limelight, they are likely to be performed the way the public wants them. On the other hand, local governmental officials are much closer to the people than are state officers and the influence of the public on them is much more direct and powerful. Unless there is an imperative need that a service have statewide uniformity, it may be presumed that local agencies will perform it with greater public satisfaction, if not indeed with greater economy.

Local Federalism?

The constitution of the United States gives the national government a limited number of specified powers with which to perform the services considered of national importance. All other powers are left to the states or to the people. On the other hand, state constitutions, as interpreted by the courts, have centralized the residual powers of the state in the legislature, with the localities having only those which the lawmakers see fit to give them. There are tremendous advantages in trying out new services on a small scale before providing them for an entire state. Under the traditional practice of state centralism a city can only experiment if the legislature permits it to do so. Thus uniformity is promoted in the very cases where diversity would be desirable.

A genuine federalism in our states would by no means destroy state governments. Indeed, it might

strengthen them in the same way that federalism has strengthened the national government. There are numerous services which must be handled by units larger than cities or counties. Provision of highways, care of the insane and administration of justice form but the beginning of a substantial list. Nevertheless, the list is by no means interminable. It is probably shorter than many people assume. It should be possible to specify in the state constitution the services which are of statewide importance and the powers which the legislature is given to provide them. One has but to look at the powers of the cities as specified in a typical municipal corporations statute to see that a specification of state powers would certainly be no more difficult than a specification of municipal powers.

The most serious objection to local federalism is that it would tend to freeze the present distribution of powers between state and city, preventing shifts of services in the future as need may develop. Because a service is well performed by the locality in one age, there is no assurance that it would not be better performed by the state in another. During the past generation we have seen a transfer of the provision of highways from counties to the states. A dynamic society demands some arrangement by which the functions of government may be transferred from one level to another, and any constitution which does not permit this is doomed in advance. If the constitution is easy to amend, this transfer can be accomplished by the adoption of a constitutional amendment. In

most cases, however, the process of amendment is extremely difficult and it is necessary to look to other arrangements for flexibility.

Cities have suffered so much from legislative interference that they have developed a phobia of all legislative action. The basic difficulty, however, has not been that the state has taken over functions which were formerly performed by the cities. It is rather that the states have prevented the cities from developing new services, have dictated the way existing services should be conducted, and have imposed on the cities the costs of providing services for the state.

Where the legislature acts on matters of genuine state concern, where the law applies uniformly to the entire state and where the intention of the legislature to take over a service is clearly stated, the dangers of legislative abuse or of excessive centralization are greatly reduced. If further safeguards are needed, the constitution might require the state legislature to finance the cost of all services it undertakes to centralize.

Such an arrangement would give much greater flexibility than the normal home rule provision. At the same time it would place the cities in a much stronger political position in four important respects: (1) The presumption would be against the desirability and legality of a proposal to centralize a local service; (2) centralization could only occur if the service were one which could be handled throughout the state on a uniform basis; (3) the legislature would have to take full political responsibility for centralization instead of hiding behind vague judicial

pronouncements or ambiguous statutory provisions; (4) if the state were required to finance each service it attempted to control, there would obviously be much less demand for state centralization.

Cities Pay the Bills

The extent to which the state legislatures, while seizing control of local services, have transferred to cities the cost of paying for them is little understood by the public generally. This is a field in which there is genuine need for a careful investigation by trained accountants and statisticians. We take for granted a system whereby the enforcement of state laws, the maintenance of state courts and the collection of the state property tax are done by the localities for the state without charge.

If the imposition of state burdens on cities were to stop with law enforcement, there would be little ground for serious complaint. But it has not stopped there. Cities have been required to provide airplane ground markings for the benefit of planes in intercity or interstate traffic. They have been required to install the expensive sewage treatment processes which the state thinks will protect the health of other districts. They are required to furnish water and light to state buildings, to transport school children from areas outside the city and to pay for reformatories, asylums and roads beyond the needs of the municipalities.

Recently, the states have mandated the pay of local officials and employees, the hours they may work

and the pensions which must be paid them upon retirement. One state even prescribes the number of policemen a city must hire and several specify the number of shifts the fire department must have. The standards prescribed by the state are often desirable but they are generally higher than many communities feel they can afford. If the states insist on luxurious city government they should be willing to pay for it.

Many state constitutions prohibit the legislature from levying a tax on the local units, but complacent courts have generally held that the imposition of duties on cities or the prescription of expensive procedures or standards are not taxes though their financial burden may be even greater. If a legislature were to levy a tax directly on the cities the public objection would be tremendous. But when a police pension bill is before the legislature the opposition may not be able to make itself heard. The policemen's organization maintains a powerful lobby and the public usually fails to see the effect of the law on the local budget. Furthermore, the legislature by passing this bill can please a special group of voters without being required to levy the taxes necessary to pay the costs. Sound public finance requires that the same agency which orders the expenditure be responsible for raising the money.

Postwar legislatures have been surprised to discover that many cities have not the financial resources to meet the onerous burdens

laid on them. They are caught between the upper millstone of constitutional tax limitations and the lower one of an ever-increasing load of mandated expenditures.

What Is Solution?

Apart from local federalism, there are only two possible solutions for this dilemma—neither of them very good. Cities may beg the legislature for additional funds and, if the lawmakers feel in a generous mood, they may get them through a system of state aid. This, of course, has the evil effect of permitting local officials to dodge responsibility for raising taxes to pay for municipal expenditures. On the other hand, if the state is too stingy to pay its own way, it can give the cities additional tax sources. Neither of these solutions requires the localities to take the blame as well as the credit for local government. In either case city officials are relieved of their financial responsibilities.

It is time to recognize that our cities have come of age, that they are equal partners in the gigantic business of government in America, and that our democratic institutions can be strong only if our local communities are given full responsibility for managing their own affairs. Cities need the right to serve their citizens through an organization of their own choosing and the power to pay their own bills. The extension of the federal principle to state and local relationships offers the best hope of meeting those needs.

Home Rule for 'Whole City'

Official proposes the county as logical area to take responsibility for operation, management of services.

By JOSEPH H. CROWLEY*

OUT of the industrial revolution came the great concentration of population in the urban areas and the growth of cities. With the development of the automobile and other means of rapid transportation began the migration of the city dweller to the countryside and creation of the fringe communities which have brought many vexatious problems to beset the governments of our metropolitan cities.

Not only was there an outward movement of population but, more disastrous to the economic life of the central city, there was also the relocation of industry in the perimeter area of cheap land and unregulated use. Inevitably retail business with its shopping centers and branch department stores followed establishment of the suburban community.

While World War II checked this trend of decentralization for a time, high speed transportation, superhighways and the rapid expansion of utilities are "exploding our cities" at a rate to make us pause and realize that this is truly the atomic age. We are fast dissipating the economic urge which developed the compact city and gave reason for the central location of trade and industry. We have in fact created a new economic area

transcending the boundaries of the central city and its satellite suburban cities and villages, demanding a re-examination of our local governmental machinery and a fresh and vigorous attack upon the challenging problems presented.

For more than 50 years the cities have looked to home rule as the hope of the solution of all municipal ills. Home rule in essence is simply the power and authority of a city to regulate its own affairs. In most states such power is not considered an inherent right residing in the people but rather a power derived either directly from constitutions or indirectly through the legislature created by the constitutions. An outstanding difficulty to achievement of home rule has been the confusion over the definition of what constitutes a city's own affairs. As Professor Austin F. Macdonald said:¹

What are a city's own affairs? What matters are purely local; what matters are of statewide concern? Are there, in fact, any affairs worth mentioning that do not affect the people of an entire state—or at least the people of several communities—to a greater or less extent? The public health activities of every municipality are of profound interest to its neighbors. . . . The sewage disposal methods of every city are a matter of more than local concern. . . . And so it is with police administration, poor relief, finance, utility regulation, elections. . . . The real

*Mr. Crowley is chief counsel in the Department of Law of Cleveland. This article is based on his address before the National Conference on Government, St. Paul, November 29, 1949.

¹*American City Government and Administration*, third edition, 1941, page 79.

test is not whether the state or the city has an interest in the matter, for usually they both have, but whether the state's interest or that of the city is paramount.

Home Rule Whittled Down

Too often the battle for home rule has ostensibly been won only to be lost because little remains after the hacking away process of the state legislature and the adverse interpretation by the courts.

Mayor J. Woodall Rodgers of Dallas, Texas, addressing the American Municipal Association in New Orleans in 1947, said:

Home rule—the very soul and fiber of democracy itself—is likewise flagrantly violated by state legislators, and chartered powers once granted to cities are being gradually whittled away, stifling local government as the state legislators flatter their egos in the exercise of undue powers, attempting to sit on city councilmen and regulate the internal affairs of people who live in the cities.

The principle of home rule—remembering that home rule is not an inherent right—has nevertheless long been recognized in this country as one of the most important features of our political system. A democracy which derives from the people rather than from a form of government imposed upon the people by a higher authority depends for its vitality upon the intelligent and effective action of its citizens in our cities and villages.

David Wood, speaking before the American Public Power Association, made this observation:²

²"The Effect of the Saratoga Springs Decision upon the States and Municipalities." Memphis, Tennessee, May 9, 1946.

I am a strong believer in local government because my study of governmental systems has convinced me that the only way in which a nation of continental proportions can be governed democratically is through the medium of what might be characterized as a confederacy of small governments. My strongest objection to centralization of government is that it is fatal to personal liberty. The democratic form of government is the best guarantee of personal liberty that we have discovered, but it is the most difficult of all systems of government to operate. Democracy cannot be imposed from the top. It must well up from the bottom and, to be successful, it must be constantly practiced in every city, town and hamlet in the country. It must be a part of your daily life, a part of the air you breathe.

The founding fathers dearly learned the lesson that, the nearer officials are to the people over whom they exercise control, the more easily and readily are reached the evils that result from political corruption and the more speedy and certain the cure. Home rule, which recognizes that in the spotlight of local attention local affairs can best be administered, is a necessary concomitant of a democratic form of government which cannot long survive lethargy or apathetic acquiescence in abject surrender of local affairs to the state and national government, farther and farther away from the governed.

Local home rule, therefore, is basic to our system. The \$64 question is, "Home rule for whom?" With our metropolitan cities exploding and pouring over ancient boundary lines, merely municipal home rule is not enough.

To be sure, community pride in

civic achievement and active interest in the administration of local affairs are fostered by the intimate acquaintance of the suburban resident with his local officials, often his next door neighbor, and their mutual problems. Unhappily these are often lost in the very bigness of a large metropolitan city.

Metropolitan Home Rule

Yet neither the suburb nor the central city can solve all its own problems of water supply, sewage disposal, mass transportation or even police protection by itself. Such problems do not respect boundaries set in the horse-and-buggy age. The citizen of suburbia is by definition also a citizen of metropolis. If home rule is to be meaningful it must, therefore, be metropolitan home rule not simply or solely municipal home rule. The two are not necessarily mutually exclusive.

A generation or so ago the expansion of the central city by annexation or absorption may have seemed to be the answer. But metropolitan growth has, in most areas, far out-distanced annexation, which has been likened to the effect of a pebble dropped in a placid pool—the serenity of the political scene, like the pool, is disturbed and, like the ever-widening ripples, the effect is annexation upon annexation.

Voluntary cooperation of municipalities for mutual solution of problems has met some needs, partially and temporarily, but it partakes too much of a marriage dissoluble at the whim of either party. It lacks the stability necessary to effective operation. Consolidation, like annexa-

tion, may result in mere bigness at the expense of loss of interest and participation in government and is subject to the law of diminishing returns.

Where, then, shall we turn? Shall we look to the state? No, the battle for home rule has been waged to free cities from the shackles of legislatures predominantly rural in composition, in the selection of whose membership the vote of the city dweller counts for only one-fourth as much as his rural neighbor. When 59 per cent of the nation's population lives in cities and these eighty-four million city dwellers elect only 25 per cent of the state legislatures, while sixty-six million rural residents choose the other 75 per cent, little relief may be expected from this source. As Richard Maher of the *Cleveland Press* comments in his study of Ohio,³ its government is "less representative than when the state was created."

Shall we look to the legislature to create new authorities—the discredited commission driven out of our city government at the turn of the century—under new and fancy names—appointive, not elected—complicated machinery, not simplicity in government—oligarchies, not democracy—created by and subject to the whims of the legislature? No—obviously the authority is not the answer. Where, then, shall we turn?

In most states the county has been a long recognized unit of local government—its officials elected and their functions well understood. What more apt machinery when

³In *Our Sovereign State*, by Robert S. Allen. Vanguard Press, New York, 1949.

geared to the engine of home rule! True, the average county government is a relic of the ox-cart days, but it has been responsive to our democratic theory. It can and should be made responsive to home rule. Certainly those services required to be furnished by the urban city whose tax valuations and financial resources are being diminished by the decentralization trend while it is unable to shrink its services or operating costs in relation to its decline in income, can well be supplied on a county-wide basis. Transportation, airports, public halls and stadiums, zoos, parks, recreational facilities, public health, water supply, sewage disposal and, lest we forget, poor relief, are all services which benefit and protect all the inhabitants of the area and serve their needs. All should bear equally the burden of their operation and management.

Adapt the County

County government must be made flexible enough to adapt itself to the changing needs for rendering those local services which extend beyond municipal boundaries through the same home rule principle and power applicable to municipalities. Otherwise the various units created by the legislature to meet the demand for agencies to take care of metropolitan area functions will continue to develop ad nauseam, or metropolitan government will become the "dark continent" of the administrative sys-

tem of a nation which can remain great only when its local governments are efficiently administered in harmony with democratic principles.

The explosion of the central cities and the concentration of government in the national and state capitals portend the destruction of our cherished traditions of government and present a challenge which no thoughtful person can escape. History demonstrates the easy path of public indifference upon which speeds the insatiable desire for power leading to the destruction of sacred institutions and to human liberty itself. From concession to concession is the path to slavery—from city to state to national government—from local responsibility to state socialism, regimentation and, ultimately, totalitarianism.

Home rule, then, is the right to manage local affairs locally.

For whom? For the inhabitants of the *whole city*, of a natural local economic and governmental area no matter how cut up by municipal lines.

For what? For those local needs and services essentially metropolitan in nature.

This does not preclude some autonomy for smaller units within the area. In fact, metropolitan home rule is necessary if the smaller units of metropolis are to survive with any degree of useful self-government at all.

Court Outlaws State Aid

Grants are declared unconstitutional in West Virginia, forcing cities to seek new taxes or reduce services.

By JAMES E. LARSON*

THE increasing flow of dollars from state capitols to the fiscal backwaters of the local units is recognized as one of the major developments in state-local relations of the last few decades. Either through the device of the shared tax or the grant in aid the states have attempted to stabilize the precarious fiscal position of local governments.

Census Bureau figures show that total state aid to local units increased from \$764,000,000 in 1932 to over \$3,000,000,000 in 1948. Much of this aid is accountable to the unrelenting pressure of the cities—the “poor relations” in the governmental family—on the state legislatures for assistance in meeting their multiplying and more costly obligations.

While the merits and demerits of state aid are loudly debated by public officials and others, the fact of aid remains and will continue so long as the states remain superior taxing jurisdictions and the local units continue to provide the majority of services.

West Virginia cities, like all others, are living with this problem. Until recently they had enjoyed modest success with the legislature in securing state aid. In June 1949,

however, the West Virginia Supreme Court of Appeals, in a decision without precedent among the states,¹ declared state grants in aid to be unconstitutional.

Since 1932 the cities of West Virginia have survived more through tenacity and native stubbornness than by any other cause. A depression-born property tax limitation amendment added to the constitution that year sheared revenues more than 40 per cent. This “weaning measure” was a staggering financial blow. Services were discontinued temporarily and salaries were reduced or neglected while the emergency was acute. Readjustments were made only with difficulty, the cities eventually turning their attention to the capitol in Charleston for aid.

Expenses, indifferent to constitutional tax limitations, moved upwards while revenues remained as unchanging as the solid and often unproductive land upon which they were based. The result, inevitable in West Virginia as elsewhere, was that the state moved to the aid of the municipalities. In 1941 the governor proposed that \$600,000 of surplus profits from the state liquor monopoly be returned annually to the cities on a population basis. The legislature was in agreement and the plan was adopted.

From 1941 until 1949, \$600,000

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¹State ex rel. City of Charleston v. Sims, 54 S. E. 2d 729. See also page 203 this issue.

was made available annually for direct assistance to the cities. This money came to constitute a sizable proportion of the revenues of the small cities, but for the major municipalities it was far short of providing a solution to the revenue problem. For Huntington, West Virginia's largest city, the liquor revenues constituted but 3 1/3 per cent of total revenues in 1947-48. It is not surprising that agitation for more aid to the cities continued.

Auditor Refuses Payments

The legislature recognized the urgency of the situation in 1949 by raising the annual appropriation from liquor profits to \$1,000,000 for the biennium of 1949-51. Whatever anticipatory pleasures the cities may have enjoyed at the prospects of this action were short-lived, however. On March 30, 1949, the state auditor refused to honor the next quarterly allotment of liquor profits for distribution to the cities. Unexplainably, questions of constitutionality which had been lying dormant since 1941 were suddenly raised.

This development was a double blow at the cities, for the prospect loomed not only of losing the \$400,000 "bird in the bush," but the original \$600,000 "bird in the hand" as well. The fears of the cities were well grounded. A writ of mandamus seeking to force compliance with the legislative appropriation act by the auditor was denied by the Supreme Court of Appeals in June 1949.

This court decision, of grave consequences for the cities, prohibits the state from extending financial aid to its political subdivisions under

article X, section VI, of West Virginia's 1872 constitution:

The credit of the state shall not be granted to, or in aid of, any county, city, township, corporation or person; nor shall the state ever assume, or become responsible for, the debts or liabilities of any county, city, township, corporation or person; nor shall the state ever hereafter become a joint owner, or stockholder, in any company or association in this state or elsewhere, formed for any purpose whatever.

Upon consideration of this provision, and while not wishing to be understood as being indifferent to the financial problems of the municipalities, the court declared it could do no other than hold that diversion of state funds to local units was in fact an extension of state credit prohibited by the constitution.

The cities were the only local units to suffer a loss by the decision. School districts enjoyed the protection of their carefully drawn constitutional provisions. The counties had surrendered the major functions of highway and welfare to the state during the troubled days of the 30s and had since been favored in the allocation of rates among cities, school districts and counties under the property tax limitation law.

Basically, the position of the court was that any interpretation of the section of the constitution above which sharply distinguished between the extension of credit and a direct appropriation for grants in aid would serve to open wide the door to the state treasury; that it was the intent of those who drafted the constitution in 1872 to forestall this as well

as other dangers to the solvency of the state.

While "original intent" often beggars accurate definition, historically it is more correct to ascribe the motivating force behind the no credit clauses found in many state constitutions drawn in the 1860s and 1870s to the single fear that the states would be saddled with the burden of municipal railroad aid debt. There was no intimation that the nice balance between municipal tax structures and municipal revenue needs which obtained in the rural nineteenth century would be overthrown in the urban twentieth century. It is difficult, therefore, to hold that the question of direct grants to cities was at all a factor in the minds of those who wrote the prohibitions against the extension of state credit in the constitutions of the time.

The clear and single intent of these provisions is generally regarded as that of safeguarding the states against the incurrence of debt arising from direct or indirect participation in expansionist commercial ventures. In view of the present day necessity that the states be permitted the widest prerogatives for effective relations with the local units, it is unfortunate that in West Virginia the action of the court constrains rather than widens the powers of the legislature in this area.

In the aftermath of the judicial death blow to aid for municipalities, the cities demanded that the governor immediately call a special session of the legislature. The legislature had adjourned in March following its regular 60-day biennial ses-

sion and would otherwise not meet again until 1951.

The cities, represented by the West Virginia League of Municipalities, looked to the governor for an extra session to consider a program of legislative action directed at: (1) revision of state laws to enlarge the taxing powers of the cities, (2) increasing the present city sales tax of 2 per cent on liquor sales to 5 per cent, (3) revision of state law to permit all cities to levy service charges for special services, and (4) submission of a constitutional amendment authorizing the legislature to share liquor revenues with the municipalities.

No Special Session

The ultimate decision of the governor not to call an extra session was conditioned by the opposition of many legislators and by the preliminary report of two legislative committees then occupied with a study of municipal finance.

The attitude of the legislators was reflected in the words of one of their members. "The legislature has made an earnest effort to help solve your [municipal] financial problems. . . . To be frank, the legislature has almost exhausted ways and means of granting additional financial assistance in the face of our state constitution. . . . The state's municipalities will have to assume more of their own financial responsibilities."

The two legislative committees, the Joint Committee on Government and Finance and the Commission on Interstate Cooperation, also influenced the governor against an extra session. These two committees had been at work for several months by means

of a subcommittee, inquiring into the financial facts of West Virginia's 215 incorporated cities. The preliminary report of the subcommittee weakened the case of the cities for immediate legislative action.

Several of the subcommittee findings are noteworthy in that they indicate the cities are not exploiting present tax powers to the fullest. An examination of municipal budgets for 1948-49 disclosed that somewhat more than 25 per cent of the cities were not levying the permissible maximums under the property tax limitation law. Those cities, however, were typically the smaller units. Revenue needs of the small units are ordinarily less pressing, and apparently there was no real incentive for them to master all the complexities of the property tax law necessary to realize the legal maximum.

In several other areas the committee noted negligence on the part of the cities in taking full advantage of existing revenue sources. Only within recent months have the cities shown interest in levying a sewage fee, although many cities are empowered to do so. Also, it was pointed out by the committee that the licensing powers of municipalities held promise of considerable revenue under a recent court decision which held that fees for licenses were subject only to the restriction that they must not be prohibitive. Previously it was believed that state fees for similar licenses were controlling.

The committee noted further that a 1947 legislative grant of power to levy business and occupation taxes (gross sales tax) had been incorpor-

ated into the tax structures of 30 of the larger cities, but that the rates were generally low. Actually, under the impetus provided by the cutting off of state aid there already has been some upward adjustment of rates as well as the adoption of this tax by additional cities.

Cities Want Program

The immediate effect of the court decision among the cities was to produce either a reduction of expenditures or an increase in taxes. In the present fiscal year, 1949-50, the reaction of the cities has varied. Fairmont reduced its budget \$25,000. The steel city of Weirton cut its budget by \$18,000. Parkersburg trimmed its budget by \$70,000 over the opposition of those groups anticipating reduced services. Morgantown countered the loss of state aid by adoption of a sewage treatment fee and an increase in the rate of the gross sales tax. Huntington similarly aims at neutralizing its revenue loss by higher gross sales taxes and the initiation of an amusement tax. The legality of the latter tax is now before the courts.

Attention in West Virginia is now centered on a permanent program to enable municipalities to meet their financial problems. The two legislative committees are continuing their study of municipal finance with the view of presenting their recommendations to the 1951 session of the legislature. Short of a constitutional amendment, or the possible assumption of selected municipal functions by the state, financial relief must be found primarily in legislation permitting wider taxing powers for the cities.

'Ireland Must Be Heaven'

But an on-the-spot look at the country's widespread use of the council-manager plan raises some questions.

By RICHARD S. CHILDS*

IN EIRE there are no elections except for president and representatives on the municipal, county and national legislative bodies. All those bodies are chosen by proportional representation. All the five cities except Galway, all the 26 counties and all the separate towns have managers. The county and city jurisdictions do not overlap except in Dublin where, however, the same manager serves both.

The county managers are, *ex officio*, the executives for other special elective or appointive boards set up for special functions—water supply, milk regulation, etc.—within their respective counties; when such boards work in more than one county the central government puts one or the other county manager in charge of all employees. County functions are not judicial but relate to public works, roads and health.

To one versed in the teachings of the National Municipal League, this looks like a Utopian pipe dream of structural simplification. Moreover, the authors of the local government arrangements acknowledge that they borrowed from its *Model City Charter* and American experience.

So I went to Eire in June 1949 to see this civic heaven!

This REVIEW for over twenty

years has covered the story competently, the principal contributor being John J. Horgan of Cork who began agitation for the council-manager plan there in 1920. One of his articles and another by Arthur W. Bromage describe a situation which continued unaltered in 1949.¹ So, there was really no need for me to investigate. I had good company on twelve days of motoring in bright weather through good, winding, narrow and almost empty roads, saw romantic ruins and kissed the Blarney stone—didn't need to, but I was right there, so why not?

I saw among others the city managers of Limerick and Cork and the county manager of County Limerick—able citizens all—the secretary of the Department of Local Government, the chairman of the Local Appointments Commission and a departmental travelling auditor of county and municipal finances. They were all proud of the condition and traditions of their offices in the last two decades and, I think, with good reason. Their disposition to keep local administration on a merit basis was resolute enough to suit any political reformer and has survived changes of party control at Dublin.

Here's the catch! Eire is smaller in area than Maine, smaller indeed than some American counties. Interven-

*Formerly president of the National Municipal League, Mr. Childs is now chairman of its council and, since his retirement from business, a full-time volunteer member of its staff.

¹"Irish Manager Government Extended," by Arthur W. Bromage, the REVIEW, October 1940; "Growth of Irish Manager Plan," by John J. Horgan, June 1945.

tion from Dublin in municipal administration is so easy and intimate as not to invite all the irresponsibilities of remote control which lack of home rule brings to American cities. At any rate, city and county managers and their principal technical subordinates are not picked by the local elective councils but by an impartial system of civil service examination and selection at Dublin. The Local Appointments Commission, created in 1926 in the Department of Local Government, has been headed for seventeen years by the speaker of the Dail, a neutral chairman.

As local appointments are for life, vacancies are not frequent. When one appears the commission creates a special interview board of experts headed always, however, by a lay chairman of extensive business experience. The list of members of the interview board is held secret until its first meeting. It sifts the applications, conducts written and oral examinations and reports the top man to the secretary of the commission, which does not interview either applicants or board members or their friends. The Local Appointments Commission habitually confirms the selection.

Thus the city or county council is provided with a local manager—or health officer or whatever—by the central government, with a tenure running to the age limit, 65, and removable only by a two-thirds vote of the council if confirmed by the Minister of Local Government. The ministry has power to suspend local councils and has repeatedly done so,

which may temper the disposition of councils to offer captious complaints. For several years the city manager of Cork was thus left to constitute the entire government! So, as a manager told me, "It's like married life—we're tied together and have to get on together." The manager has to get his money and ordinance projects from the council and so must cater successfully.

But the laws and the practice whereby councils may not choose or remove managers compels the conclusion that Eire has managers but not our council-manager plan!²

Large Councils

Councils are larger than here, 21 in Cork, 45 in Dublin, and are described to me as frequently mediocre. Their limited powers do not attract able men but they are important schools of public affairs and good political figures develop there. What could happen is shown in a case of rate collectors, the only staff officer chosen by councils. The Cork County council chose from 82 candidates last June. It seemed to be a rare circumstance and a scandal that the posts should be filled by a succession of polls of council members with ample opportunity for members to follow "the colour of a man's coat," i.e., his party allegiance.

I found agreement in my observation that councils should be smaller to enhance the importance, conspicuousness and attractiveness of

²The International City Managers' Association has recently removed Cork, Dublin, Limerick and Waterford from its official list of council-manager cities.

the post of councilman but was told that the drift of sentiment is toward still larger councils to make room for more men with political leanings. There is insistent pressure of councils, also, for more power over spending officers and less control by national officers. It is easy to forecast that, if large local councils obtain freedom to choose managers as in America, the present capable managers will be victimized by mediocre council members intriguing for patronage and favoritism on petty matters and protected in doing so by their own inconspicuousness as members of a large body. American experience shows that a small powerful board of directors is protected from contamination by the concentrated limelight of public scrutiny.

The P. R. system in Eire is the same as that used in American cities and all informants agreed that it is solidly established despite the difficulties involved in using it for selecting as many as 21 obscure councilmen at large at one time.

Nominations are by deposit. In 1944, 252 candidates ran for 137 seats in the Dail and 45 forfeited £100 deposits because the highest number of votes credited to them during the P. R. count did not ex-

ceed one-third of the quota.³

* * *

Irish cities in their central commercial sections are to an American strikingly neat in appearance; the difference is in the complete absence of oversized, gaudy, sprawling advertising signs and in the custom of keeping even the proprietors' names within panels that are architecturally consistent with the respective facades of the shops.

* * *

The city manager of Limerick was building several hundred low-rent homes a year on a program of demolishing and replacing all sub-standard ancient stone slums in another five years. He had joint local and national funds and was building with direct municipal labor without contractors!

* * *

Police in Eire are all national; councils and managers have no jurisdiction over local law enforcement.

* * *

A couple of managers introduced me to the Minister as "the man who invented city managers." The Minister's genial response was instant—"May God forgive you for that, sir!"

³See "Deposit Simplifies Election Procedure," by Richard S. Childs, the REVIEW, May 1949, page 229.

News in Review

City, State and Nation

Edited by H. M. Olmsted

21 More Hoover Items Submitted to Congress

Would Complete Nearly Half Reorganization Plan

ON March 13 President Truman laid before Congress 21 proposals on governmental reorganization, based on the recommendations of the Commission on Organization of the Executive Branch of the Government. These are in addition to seven other proposals based on the report of the commission, headed by ex-President Hoover, submitted to the last session of Congress. Six of these have been adopted.

Of the 21 proposals the first six would transfer to the heads of the Departments of Treasury, Justice, Interior, Agriculture, Commerce and Labor those powers of subordinate officials by which some can now by-pass the department head and deal directly with the president or Congress. One "administrative assistant secretary" or more would be provided for each of these departments, to be chosen from the career civil service.

Proposals seven to thirteen would make the chairmen of various commissions responsible for executive or administrative direction; these include Interstate Commerce, Federal Trade, Federal Power, Securities and Exchange and Federal Communications Commissions and the National Labor Relations and Civil Aeronautics Boards. The president would name the chairmen. The general counsel of the NLRB would no longer be an independent officer; his functions would be transferred to the board and its chairman.

Fourteen and nineteen would trans-

fer the Bureau of Employees Compensation from the Federal Security Agency to the Labor Department and also make the latter responsible for coordinating enforcement of wages and hours legislation affecting federal or federally financed contracts.

Fifteen, eighteen and twenty would transfer certain functions to and from the General Services Administration, which was created last year as suggested by the commission.

Proposals fifteen, sixteen and seventeen would transfer public works functions in Alaska and the Virgin Islands to the Interior Department, place assistance to school districts under the Federal Security Agency and give the Housing and Home Finance Agency, instead of the GSA, control of advance planning of non-federal public works and the management and disposal of war public works.

Number 21 would place the functions of the Maritime Commission in the Commerce Department and create a Federal Maritime Board, headed by a maritime administrator. This board would have regulatory and subsidy determination functions, but subject to the secretary of commerce. Other functions of the present Maritime Commission would be performed by the Commerce Department itself. There would also be a new under-secretary of commerce for transportation, to deal with activities of the latter nature in the department.

The plans become effective in 60 days unless disapproved by the Senate or House. In transmitting the plans to Congress, President Truman stated, "When these plans become effective we shall have acted on almost half the proposals made by the commission on

organization. I expect to transmit additional plans . . . in the present session."

The proposed plans are criticized in some quarters as going beyond the Hoover Commission recommendations in some respects, particularly in making the Maritime Board completely subject to the Commerce Department and in abolishing the office of general counsel to the NLRB, instead of returning part of his authority to the board but keeping him an independent prosecutor.

South Carolina Legislative Reorganization Partly Effected

The legislature of South Carolina, in its current annual session (which began January 10) and in the 1949 session, adopted several important recommendations of its Joint Committee on Reorganization. The committee's report, rendered in January 1949, contained three main recommendations on subjects prescribed in the joint resolution that created it:

(1) reduction of the number of committees, regrouping of their functions and revision of the legislature's rules of procedure; (2) establishment of a Legislative Council for research, reference and bill-drafting service; and (3) reduction of local legislation by revision of the state constitution to permit county matters to be handled at the county level and by development of an improved system concerning local legislation.

The committee recommended that the number of standing committees in the House of Representatives be reduced from 24 to eight and in the Senate from 31 to six, with a provision that no legislator shall serve on more than one such committee, except that any senator may serve on the Committee on Interstate Cooperation. The House adopted the recommendation;

the Senate still has it under consideration.

Recommended rules of procedure have been substantially adopted by the House but not as yet by the Senate. The Joint Committee on Rules has also adopted a change to the effect that no appropriation bill may be materially altered in conference.

The 1949 legislature established a Legislative Council of the nature recommended by the committee but of different composition; it consists of the president of the Senate, the speaker of the House, and the code commissioner, whereas the committee had suggested five members chosen from each house.

As to local legislation the committee found that approximately 84 per cent of the laws enacted are local in character, thus greatly burdening the legislature and lengthening its sessions, but that substantial reform in this situation called for revision of the constitution. The committee decided that it should work in collaboration with the State Constitutional Revision Committee in this respect. It urged the legislature to declare in favor of constitutional authority "to provide for the transaction of all purely county business at the county level by the counties themselves," and also to foster plans for "an improved system for handling local legislation."

New Jersey Commission on Local Government Revises Plans

During the past year the New Jersey Commission on Local Government, headed by B. H. Faulkner, has been considering suggestions of local officials and others regarding the proposals it made public last year. A number of revisions to reconcile points of view have been made in a new report to the governor and legislature.

Disagreement between the commission and local officials remains con-

cerning two major points: (1) the previously recommended mandatory local referendum on the question of electing a charter commission if a given locality has not acted by a certain date (the commission now says 1959) and (2) the question of adding commission government to the three preferred forms — council-manager, mayor-council and small municipality plan recommended by the commission (which has removed its former prohibition as to choice of that form). These questions will be left to the legislature.

The revisions include variations in the three basic forms, thus expanding the area of local choice of form and structure. The new report states: "A community may choose, within reasonable limits, the number of councilmen it may deem best suited to its needs, select either concurrent or overlapping terms, determine whether it will have some ward representation or at-large representation alone, or have partisan or nonpartisan elections." It points out that about half the voters in New Jersey vote in partisan elections and the other half in nonpartisan elections.

Ward representation would be available only under the council-manager and mayor-council plans and would be combined with election of some councilmen at large. The maximum size of council would remain at nine.

The number of signatures required on petitions for change of government is somewhat increased.

The original report contained a proposal outlining qualifications for appointment of officials to "key positions" in local government and defining their tenure of office. This has been revised to the effect that no outside state agency should pass on qualifications of original appointees, that the state agency passing on qualifications for acquiring tenure should include municipal officials appointed by the

governor, that political activity not be barred and that the entire proposal be optional.

The commission proposes to continue work for another year, particularly to help improve and refine any program the legislature may adopt, to the extent indicated by experience.

Connecticut Legislature Studies State Reorganization Plan

A special session of the Connecticut legislature convened on March 9 to consider the plan of governmental reorganization worked out by the Commission on State Government Organization.¹ In addition to a concise report, made public by installments during February, the commission has submitted proposed legislation in the form of ten bills to effectuate its recommendations. One of these includes a complete draft for a new constitution, with a provision for its submission to the people at the November 1950 election. As this method of constitutional revision is not specifically authorized in the present constitution, which dates from 1818, the proposed act includes a provision for a ruling by the Supreme Court of Errors as to the validity of the proposed method.

Governor Bowles, a Democrat, has called upon the legislature (with a Democratic Senate and a Republican House) to put aside partisan difference and unite in giving Connecticut a modern system of government. State Republican leaders have already expressed opposition to various phases of the plan, especially some to increase the effectiveness and responsibility of the governor, as by appointing department heads without legislative confirmation.

A Citizens Committee on State Government, including Republicans, Demo-

¹See the REVIEW, March, page 140.

crats, businessmen, labor and religious leaders, etc., has been formed to mobilize citizen interest in the report. Operating statewide, with support of local groups, it has arranged mass meetings and other means of publicity and discussion.

Missouri Statutes Thoroughly Revised

In Missouri the Committee on Legislative Research, a continuing interim research agency, finished in 1949 the most complete revision of Missouri statutes since the revision of 1865, according to the Council of State Governments, which says that intervening decennial revisions required by the state constitution have been chiefly recom compilations.

The committee was authorized by the 1947 legislature to undertake the task, which has been accomplished by the adoption of some three hundred bills, half of which were introduced in each legislative house. At the end of the 1949 session the legislature approved continuous revision, with a complete code to be printed at least every ten years and supplements printed after each legislative session.

Hawaii Shows Deep Interest in Proposed Constitution

Primary elections on February 11 in the Territory of Hawaii, to choose prospective delegates to a constitutional convention, brought out 73 per cent of a registration of 117,000. The territory's population is estimated at over 540,000. The convention was arranged for in anticipation of admission of Hawaii to the union.

At the primary eighteen candidates received enough votes to constitute election as delegates; 90 others were selected to run in a general election on March 21. The total field of candidates

in the nonpartisan primary was 243. The winners included many men and women new to politics as well as various people prominent in public life. The convention is in progress in April.

The Hawaii Statehood Commission, which has led the fight for admittance of the territory to the union, has had committees working on a model constitution to be presented as a guide to the convention when it convenes.

Roll Call Machines Used by Eighteen Legislatures

With the installation of electric roll call machines in Mississippi's House of Representatives, in time for its 1949 special session, eighteen states now have push-button voting in one or both houses of their legislatures, according to the Council of State Governments.

In addition to the advantage of accuracy, the machines are found to save a large amount of time in determining quorum calls and results of contested issues. It is reported that in New Jersey's 60-member Assembly it takes from 30 to 60 seconds for a quorum call or to pass a bill, instead of at least three minutes as formerly. At the same time the vote of each assemblyman and the result are flashed on huge illuminated duplicate rosters on each side of the speaker's rostrum. An unlimited supply of copies of record votes can be had from a machine on the clerk's desk.

Electrical roll call systems are in operation in both houses of the legislatures in Louisiana, Minnesota and Virginia as well as the unicameral legislature of Nebraska. Lower houses using the machines, in addition to those of Mississippi and New Jersey, are Alabama, Arkansas, California, Florida, Iowa, Michigan, Missouri, North Dakota, Pennsylvania, Texas, West Virginia and Wisconsin.

Iowa Municipal Statutes Undergoing Restudy

The Municipal Statutes Study Committee, established by the 53rd Iowa legislature to make a thorough study of existing municipal statutes, has been engaged in this work in cooperation with an advisory committee appointed by the League of Iowa Municipalities. The latter invited all municipal officials in the state to submit their opinions and suggestions as to desirable changes in existing municipal law. The study committee has been directed to recommend to the 54th legislature needed changes in the municipal statutes.

Council-Manager Plan Developments

At a special election in **La Grange, Georgia**, (1940 population 21,983) a charter amendment permitting the mayor and council to employ a city manager was approved by a vote of 318 to 106. The amendment had previously been authorized by the legislature, and was supported by the mayor and all but one councilman. The manager, when appointed, is to exercise administrative control over all regular city departments and functions except those under boards or commissions. He is not to appoint department heads, however, but merely to recommend persons to the mayor and council for appointment by them; such department heads are to appoint employees with the manager's approval.

Palo Alto, California, (16,774) has adopted a council-manager amendment to the city charter by a vote of 2,562 to 1,036. **El Cajon** (1,471) has also adopted the plan.

At its annual town meeting on **March 7 Bennington, Vermont**, (7,628) restored its town manager system. The vote, 1,533 to 1,330, is believed to be the largest in the town's history. Bennington originally adopted the

manager plan in 1942, voting it out in 1947.

Ipswich, Massachusetts, (6,348) adopted the provisions of a special town manager law at its town meeting **March 6** by a vote of 1,418 to 1,035.

By a vote of 534 to 398 on **March 14, Coleman, Texas**, (6,054) adopted a new charter providing the council-manager plan of government. Appointments are made by the manager "with the advice and consent of the council (such appointments to be made upon merit and fitness alone)"; the manager "may at will remove any officers or employees appointed by him."

Winter Park, Florida, (4,715) on **December 6** voted to accept the council-manager alternative provisions of the charter which was adopted in **June 1949**.

The borough council of **Clarks Summit, Pennsylvania**, (2,691) adopted an ordinance on **February 15** to establish the office of borough manager, who will have control of all municipal departments, including appointment and removal of personnel in accordance with civil service law.

Cobleskill, New York, (2,617) voted 265 to 132 for the village manager plan on **March 21**.

Salem, West Virginia, (2,571) adopted the council-manager plan two years ago, on **April 6, 1948**.

Milbridge, Maine, (1,318) at its annual town meeting on **March 6** adopted the town manager plan, the selectmen being authorized to hire a manager.

Referenda on the council-manager plan were held in numerous **New Hampshire** town meetings in **March**. **Ashland, Meredith, Newport and Derry** voted to continue the plan; the last named town, which adopted it a year ago after a bitter battle, cast a vote of two and a half to one in its favor.

Littleton and **Bethlehem** voted to discontinue the manager plan. **Gorham**, voting on the matter for the first time, turned the manager plan down.

Montpelier, Manchester and **Bethel, Vermont**, have all voted in town meetings to continue use of the council-manager plan.

Voters of **Readfield, Maine**, decided against adoption of the council-manager plan.

On March 9 **Newport, Rhode Island**, making a three-way choice on the form of government it prefers, voted 3,197 for the council-manager plan, 848 for a strong mayor plan and only 382 for the present charter which provides for a board of aldermen and a representative council, with no centralized control. The proposed charter must now be submitted to the legislature.

James A. Finnegan, chairman of the Democratic City Committee of **Philadelphia**, has transmitted a 9,000-word statement to the City Charter Commission to the effect that the Democratic organization opposes adoption of the council-manager plan.

The **Richland County** delegation to the **South Carolina** legislature has secured adoption of an amendment to the new council-manager charter of **Columbia**, providing for election of the mayor by popular vote. The new charter, authorized by the legislature in 1949 and approved at a local referendum by a two-to-one majority, had provided for the mayor's election by the council from among its own members. The amendment was supported by the legislative delegation despite vigorous opposition of the League of Women Voters, the City Manager Committee, and numerous other groups in hearings before the delegation and otherwise, reports **Raymond Uhl** of the University of **South Carolina**. It had the support of the present city council but

was opposed by all Democratic ward meetings.

Petitions have been circulated in **Delaware, Ohio**, in an effort to sound out local support for a change to the council-manager plan.

Mayor W. A. Burke of **Beckley, West Virginia**, is seeking to have the city council take steps leading to council-manager government, including the holding of an election for a charter commission. The manager plan was a plank in the Democratic platform upon which **Mayor Burke** ran.

Martinsburg, West Virginia, has rejected a proposal to adopt the council-manager plan, 2,698 to 2,253.

In **Kansas**, **Sterling** has voted to retain the council-manager plan but **Wellington** voters turned down a proposal to adopt it.

A proposal for council-manager government was defeated in **Marceline, Missouri**, by a vote of 380 to 420 at a special election on March 1.

Advantages of the manager plan have been discussed by the **Rotary Club** of **Fairbury, Nebraska**.

The council-manager plan was unanimously approved on February 10 by the home rule charter convention of **Sterling, Colorado**.

A tentative draft of a proposed council-manager charter for **Pueblo, Colorado**, provides for a council of eleven—seven elected by districts and four at large. The manager would appoint assistants and employees without council interference.

San Antonio, Texas, is expected to vote May 9 on twenty charter amendments, including manager proposals of opposing groups.

Dallas, Texas, by a vote of 7,626 to 6,216, has changed its council-manager charter to provide direct election of the mayor at the polls in place of the present system under which the city

council chooses him from its own members.

The city council of **Colton, California**, has directed that a council-manager ordinance be prepared in conformity with recommendations of a study committee appointed several weeks ago. It was proposed to submit the ordinance to popular vote at the April city election.

Members of the Chamber of Commerce in **Winnipeg, Canada**, are giving consideration to the manager plan.

Mayor McCallum of **Toronto, Canada**, has recently revived a modified manager plan proposed several years ago. Other municipalities reported by the Canadian Federation of Mayors and Municipalities as having the manager plan under consideration are **North Bay, Sydney, Ottawa, Hamilton, Fort William, Rossland, Wolfville** and **New Glasgow**.

The city council of **Halifax, Nova Scotia**, has decided to hold an election in October on the council-manager plan. A committee is planning an educational campaign for its adoption.

The International City Managers' Association has removed **Cairo, Georgia**; **Clare, Michigan**; **Midvale, Utah**; and **Osborne, Pennsylvania**, from its official directory for failure of the city councils to appoint managers during 1949. The Irish cities of **Cork, Dublin, Limerick** and **Waterford** have also been removed because their managers are selected by special boards appointed by the government of Eire, and must be accepted by the local councils.

Recent state meetings of city managers include **Michigan**, at Ann Arbor on January 26-27 with 37 managers in attendance; **North Carolina** at Pinehurst on February 4-5, including managers from **Virginia** and **South Carolina** also; **Wisconsin** at Milwaukee on February 1, with all thirteen managers present, organized as the Wisconsin

City Managers' Association; **Ohio** at Dayton on February 17 with 20 of the 25 Ohio managers; **California** at Santa Barbara on February 17-19 with an attendance of nearly 100; and **Oregon** at Portland on February 24-25, with all 22 Oregon managers and one Washington manager present.

103 Municipal "Authorities" Operate in Pennsylvania

With the establishment of 37 additional municipal "authorities" in Pennsylvania in 1949—more than in any other year since the Municipal Authorities Act was passed in 1935—the total number organized in the fifteen-year period was brought to 218. Of these, 103 continue to operate and now have 113 projects under way. They include 72 water and 27 sewer developments, also school buildings, airports, factory buildings, traffic control centers, theater buildings, municipal buildings and flood control projects, according to the Institute of Local Government at Pennsylvania State College.

Kansas City, Missouri, Has Training Course for Supervisors

The director of personnel of Kansas City, Missouri, has instituted a training course for supervisors to develop constructive aspects of an effective personnel program. The course, which employs the conference method of small group discussion, consists of a minimum of six one-hour sessions. Subjects included are: (1) operations of the merit system and central personnel agency, (2) certification and appointment procedures, (3) orientation of new employees, (4) human relations, (5) service rating practice and procedure, (6) counseling service and grievance procedure and (7) discharge procedure and problems involved in

(Continued on page 201)

County and Township

. . . Edited by Elwyn A. Mauck

Counties Seek Manager Plan, Home Rule

Civic Groups Discuss Means of Securing Good Government

WIDELY separated counties in the

United States continue to evidence great interest in the county manager plan, home rule or both.

A plan to provide the manager form of government has been proposed for Onondaga County, New York, by the Syracuse Governmental Research Bureau.¹ Its report declares that the county needs a plan which will give effective and responsible management for its rapidly growing activities. Evidence of need for the change is found, according to the report, in the lack of executive leadership, although from necessity the chairman of the board of supervisors has developed a minimum amount of such leadership.

Major features of the proposed plan are these:

1. Executive and administrative supervision over most county departments would be transferred from the board of supervisors to a full-time county manager, who would be appointed by and responsible to the board.

2. The manager would be given all necessary power, including that of appointing department heads and preparing the budget. He would be free from interference in administrative matters.

3. The plan provides for unified financial administration including accounting control, purchasing and contracting, budgeting and treasury functions.

4. The proposal would reduce the number of elective officials and streamline and simplify the present structure.

The plan would establish three county departments — finance, public works and public welfare. The director of finance would supervise accounting, purchasing, treasury functions and budgeting. The report recommends that the manager serve as director of finance. The positions of elective auditor and treasurer would be eliminated. The plan requires the board of supervisors to provide an annual post-audit of county financial affairs, but this would be separated from the pre-audit function.

The department of public works would assume the functions of the highway department and the court house superintendent. The department of public welfare would perform the duties of the present county welfare department and the county home and hospital.

Manager Plan Studied

In Colorado the Golden Chamber of Commerce is studying the advisability of recommending a manager plan for Jefferson County.

The Cook County, Illinois, League of Women Voters has studied county government for the past year. It comments, "The league has long been cognizant of the fact that a county organization consisting of a board of fifteen commissioners and 64 other elected officers is lacking in effective centralized authority." It is investigating the manager plan as a possible solution.

The Milwaukee chapter of the American Society for Public Administration, in conjunction with the local League of Women Voters, recently sponsored a joint dinner meeting on home rule for Milwaukee County. As

¹*Executive Management for Onondaga County*. Syracuse, New York, February 1950. 26 pages.

guests they had members of the County Home Rule Committee, which, through three subcommittees, is studying county home rule, municipal home rule and repeal of the constitutional county uniformity provisions.

Steps have been taken recently to make Baltimore County the second home rule county in Maryland. A constitutional amendment was introduced in the 1950 Maryland legislature to effect reforms in the county's governmental structure but it failed to pass. Subsequently, the chairman of the Board of Baltimore County Commissioners announced that a committee of interested citizens would be formed immediately to circulate a petition for a home rule charter. The head of the county taxpayers' association has been invited to serve as chairman.

At least 10,000 signatures are necessary to place the question on the ballot in November 1950. If a successful vote is secured, Baltimore County will follow the procedure of Montgomery County which secured its charter in 1948, and of Baltimore City (not a part of the county), which obtained a home rule charter under the same provisions of the constitution many years ago.

Manager Plan Makes Progress in Anne Arundel County, Md.

The Citizens Committee for the reorganization of the Governmental Structure of Anne Arundel County, Maryland, has issued a report on how the manager plan, adopted November, 1948, has fared in that county. Originally appointed in 1946, the committee had recommended the manager plan and worked for its adoption. The report had been requested by the League of Women Voters, the press and many interested citizens. Its primary points include:

"The committee feels that the county

business manager and the county commissioners have made considerable progress in installing this new administrative system in the county, although many more months will elapse before its full benefits will be felt.

"There has been some friction, and for the time being there will continue to be, but this appears to be diminishing. . . .

"There is a growing consciousness on the part of the county employees that the performance of their duties is at all times being supervised and evaluated. . . .

Rumors Refuted

"It is untrue that the county business manager or any member of his family is related to 'a prominent politician,' or in fact to any one in the county. . . .

"The misimpression that many new employees have been added may have arisen because of reclassification of jobs and titles.

"It is untrue that the county business manager has made a practice of going outside of Anne Arundel County to secure new employees. . . . On the contrary it has been the practice of the county business manager to promote employees already within the system where practicable.

"It is true, as complained, that to secure even a lead pencil an order must be signed. . . . Such requisitions are common practice in well managed industrial plants and large business institutions.

"The committee believes that the public will be interested in the initial accomplishments under this system:

"1. The installation of a system of inspection and buying of materials;

"2. Consolidation of road districts;

"3. Division of road work into construction and maintenance crews;

"4. A county-wide plan for road construction and maintenance is now being drawn for 1950;

"5. Payment for oil, asphalt and tar for road surfacing is now being made upon temperature control basis, thus assuring the county that it is not at times paying for 'swollen' material;

"6. A new method of road patching is being undertaken which, if successful, will result in radical reductions in the cost of that operation;

"7. Reorganization of the county road garage, with better control of personnel and resultant economies;

"For the maximum success of the plan the Board of County Commissioners and the business manager are each earnestly urged to recognize their functions and abide strictly thereby, i.e., the Board of County Commissioners sitting as directors of a \$120,000,000 corporation . . . determining the general policies of the departments of the county and holding the business manager accountable for carrying out these policies. By the same token they should not interfere individually with the employees under his direction and the work which he has laid out for these employees.

"On the other hand, it is the duty of the business manager of such a corporation to submit constructive proposals and pertinent data to his board, to employ competent help, to discharge incompetent and unneeded help, and to . . . support his board in carrying out those policies which it establishes.

"The committee is more firmly convinced than ever that its recommendations were sound and are already bearing fruit. It sincerely hopes that every candidate for office will be required to state in no uncertain terms his attitude toward the county manager plan of government and that, unless he is prepared to support it in every way, the voters of the county reject him on the ballot regardless of his politics or his personal popularity."

Local Government Commission Reports on Fulton County

The Local Government Commission of Fulton County, as directed by the 1949 General Assembly of Georgia, has submitted its report on Fulton County, Atlanta and other municipalities located wholly or partly in the county.¹

The report outlines the problems of the area, sets forth the commission's recommendations and explains the probable effects of the proposed reorganization. In brief, the recommendations are as follows:

1. Extend the city limits of Atlanta to include heavily populated unincorporated areas of Fulton County adjacent to the city. These are the unincorporated areas needing municipal services and now getting them from the county government. Also set up a procedure for "automatic" extension of the city limits in the future.

2. Wipe out duplication between the Atlanta and Fulton County governments by far reaching regrouping of functions. So far as possible each function should be furnished by only one of the two governments. Consolidate municipal functions under the city government, area-wide and rural functions under the county government. Leave the schools and public works programs under both governments, at least for the present.

3. Keep the present political forms of both governments during the period in which the shifts in administrative responsibilities are being made. Provide, however, for a definite vote in 1954 to determine the wishes of the people on possible political changes at that time (such as consolidation of the governing bodies).

4. Readjust taxes to take account of

(Continued on page 205)

¹*Plan of Improvement for the Governments of Atlanta and Fulton County, Georgia, Atlanta, 1950. 104 pages.*

Proportional Representation*Edited by George H. Hallett, Jr.
and Wm. Redin Woodward**(This department is successor to the Proportional Representation Review)***Australian Senate
Members Chosen by P.R.*****Results Inconclusive Since
Overlapping Terms Provided***

THE first election of the Australian Senate by proportional representation took place on December 10, 1949.

Because the terms of eighteen senators elected in 1946 continue for another three years, the Senate will not consist entirely of members elected by P. R. until July 1953.¹

The Representation Act of 1948, which introduced the P. R. feature, also increased the number of senators to ten from each state, instead of six, so that seven were chosen by each state in December, four to serve immediately and three to be seated on July 1, when the terms of senators elected in 1943 expire.

Of all those senators elected and re-elected in December, the winning group (a coalition of Liberal and Country parties) obtained 23 and the opposition (Labor party) obtained nineteen, whereas at the same time the voters elected a House of Representatives by transferable vote in single-member districts consisting of 74 members of the winning coalition and 47 of the opposition (exclusive of two non-voting representatives of territories not included in the six states of the commonwealth).

The percentage of valid first-

choice votes obtained by the two groups was 50 per cent for the Liberal-Country coalition in both houses and 45 and 46 per cent for the Labor party in the Senate and House respectively. Results of the senatorial election, therefore, were considerably closer to the division of popular votes between government and opposition groups than were the results in the House.

So far as regional rather than party issues are concerned, however, the Senate apportionment is far from proportional. All states, including Tasmania where 155,000 voted and New South Wales where 1,848,000 voted, elect the same number of senators. In this election the votes were fairly evenly divided between the winning coalition and the opposition in each of the six states, which were polled as separate units.

The election ended an eight-year rule of the commonwealth by the Labor party and resulted in Robert Gordon Menzies, who was prime minister between 1939 and 1941, replacing Joseph B. Chifley as head of the government. Some 96 per cent of the eligible voters participated in the election.

The percentage of invalid ballots was much higher in the Senate election (10.8) than in the election of representatives (2). Since the preferential ballot (single transferable vote) was used in both cases, the difference was doubtless the result of the illogical requirement of the electoral law that each voter must indicate seven choices in the Senate election (seven were to be chosen from each state but each ballot could count for only one under the usual Hare system principles). This

¹While the Liberal and Country parties (government) together secured a majority of the senators at the recent election, the Labor party still retains a majority in the Senate since all holdover members belong to that party.

result had been predicted by opponents of this uncalled-for provision.

In the senatorial election the major parties took the unusual step of instructing their constituents as to the exact order of preference in which they should vote the party ticket. They thereby succeeded in defeating one of the aims of the Hare system—that of permitting the individual preferences of the rank and file of the party to determine the relative success of the party's candidates. In Tasmania, where several decades of P. R. in state elections had made the voters aware of this advantage, the voters refused to yield individual preference and to accept such artificial uniformity of expression. Elsewhere, the submission to instructions was made evident by the piling up of large surpluses of votes in favor of the designated top candidates, requiring transfers and retransfers of votes which lengthened the counting procedure while gaining nothing for the party organization at considerable disadvantage to the free choice of the voters.

Massachusetts Houses Divide on P. R. Restoration

The Massachusetts House of Representatives on March 2 passed a bill to restore voting by proportional representation as originally provided in the state's optional Plan E form of council-manager charter. The action overrode an adverse committee report and constituted a reversal of last August's action intended to eliminate P.R. from Plan E except for cities that had already adopted it—Cambridge, Lowell, Worcester, Medford, Quincy and Revere.¹

¹Last August's legislation is of somewhat uncertain effect because the law failed to refer to the proper section of the previous law. Its validity is now before the courts. See the REVIEW, Sep-

On March 13, however, the Senate defeated the proposal by a vote of twenty to eighteen. The vote was along party lines, the measure being supported by most of the Republican senators. Almost half the Senate membership took part in the debate on the measure.

House action to restore P.R. was by a 116 to 110 roll call vote, a larger portion of the membership being in attendance than in the case of the contrary action at the end of last year's session. In the vote on March 2 sixteen Democrats, the majority of them from cities governed by Plan E, joined the Republicans, all but eight of whom voted for the bill, to carry the measure.

The hearings in the House produced considerable comment when a former Democratic state committee chairman, who appeared in opposition to the bill and in favor of a wider abolition of P.R., stated that he did not believe in minority representation in government, that he favored limiting opportunities for independent voters.

Organizations appearing in support of the bill included the Plan E State Association, Worcester Citizens' Plan E Association, Massachusetts Real Estate Association, Quincy Civic Association, Massachusetts League of Women Voters and the Massachusetts Civic League.

The Boston *Herald* noted the effect of the proposed measure on Somerville and Gloucester, which adopted Plan E since last summer's legislative modification, observing editorially, under the caption "Trust the Cities":

The action of the House this week was in effect a vote of confidence in the citizens of Somerville and Gloucester. It announced that the

tember 1949, page 409; October 1949, page 461.

legislature henceforth would trust them with the same democratic free choice accorded Worcester and Cambridge voters. If P.R. is a bad system, they will be allowed to find it out the hard way and not through the tutelage of an all-knowing legislature.

Actually, the dangers of the P.R. system are greatly exaggerated by its opponents. There is practically no chance that its adoption by Bay State cities will result in the election of Communists, as so frequently charged, because P.R. reflects the real political complexion of the community and there are not enough Communists concentrated anywhere here to qualify for election under it. P.R. might, however, as Representative Piemonte has pointed out, result in added recognition for such legitimate minority groups as the Italo-Americans.

But these are not questions for the legislature to decide. At the moment it is asked only to record itself for or against home rule by the cities. The answer should be an unequivocal affirmative.

Saugus Holds Its Second P.R. Election

On January 16 the voters of Saugus, Massachusetts, used the Hare system of proportional representation for the second time to choose its five-member board of selectmen and five school board members. The total vote of 5,247 was the largest ever cast in the town's history. Four of the five selectmen chosen were members of the outgoing board. The fifth, making his first bid for office, received the second highest number of first choices.

The count was conducted by Robert H. Wood of Worcester, who had been assistant director in his city's first P. R. election last fall.

At the organization meeting of the board, one of the reelected selectmen made public a statement in which he protested a bill filed in the state legis-

lature at the behest of a few citizens to eliminate the P.R. feature of the town's special manager plan charter. He stated that the move was made without consideration by the town's governing body and asserted that the proposal was unfair to all the voters of the town. Later the town meeting went on record as opposed to the bill.

CITY, STATE AND NATION

(Continued from page 195)

employee appeals. Over 160 supervisors enrolled in the course.

City Council Advised by Postcard Ballots

Confronted with various controversial proposals, the city council of Snohomish, Washington, has resorted to an advisory postcard ballot in an attempt to obtain majority opinion. A double postcard was sent to every registered voter in the city (population 3,116); one half of the card comprised a ballot on which a voter could freely express his opinion for the enlightenment of the council. A total of 1,979 cards were mailed out, according to *Western City*.

Mayors to Meet in New York in May

The 1950 annual conference of the United States Conference of Mayors will be held May 11-13 at the Waldorf-Astoria Hotel in New York City. One meeting will be at the United Nations' headquarters.

Police Chiefs to Meet in Colorado Springs

The 57th annual conference of the International Association of Chiefs of Police will be held October 7-12, 1950, in Colorado Springs, Colorado, with headquarters at the Antlers Hotel.

Taxation and Finance*Edited by Wade S. Smith*

**Pennsylvania Borrows
Record Sum*****Sells \$375,000,000 Bonds
for Veteran Bonus Program***

THE commonwealth of Pennsylvania has set a new record for borrowing by a unit other than the United States government. In mid-February it issued \$375,000,000 of its bonds to provide funds for its soldiers' bonus program. The first offering of an authorized total of \$500,000,000 approved by the voters last November, the issue was the largest ever sold by a state in a single block.

The Pennsylvania veterans' compensation bond issue is unusual also in that the bonds are full faith and credit obligations of the state. In contrast, many of the World War II state bonus issues have been made payable from specifically limited revenues, as the cigarette and tobacco taxes in New York and beer taxes in Louisiana.

In addition to pledging its revenues without restriction to payment of the bonds, Pennsylvania used for the initial offering serial bonds maturing in two to fifteen years. The bonds were sold with coupons of $1\frac{1}{2}$ per cent, on a bid of 100.19, the terms representing a net interest cost to the borrower of approximately 1.4775 per cent annually.

Because of the size of the issue, the usual competing groups of banks and investment firms combined to form a single syndicate. In all, about 390 houses participated in the underwriting, which resulted in the rapid resale of the bonds at yields of from 85/100 of 1 per cent for bonds of the first (1952) maturity to a 1.55 per cent yield basis for bonds due in 1965.

***Kentucky Half-Year
Revenues Up***

Tax collections of Kentucky's general and road funds both reached record July-December levels during the first half of the 1949-50 fiscal year, according to a recent report of the Kentucky Department of Revenue. General fund tax collections for the period at \$26,352,478 were 4.4 per cent above the first half year collections of 1948-49, while road fund collections were up 10.8 per cent to \$22,195,353.

An important factor in the general fund increase, according to the analysis of the department, was a rise in individual income tax payments of about \$700,000. This reflected both the record income levels of 1948, on which the 1949 income tax was based, and special enforcement efforts by the state. Another factor was the clearing up of inheritance tax cases which increased inheritance tax collections nearly \$500,000 over the first half of 1948-49.

In the road fund, gasoline and other motor fuel tax receipts rose about \$1,500,000 or 9.2 per cent, while the motor vehicle usage tax was up \$500,000 or 24.6 per cent over the first half of the preceding year. Other highway revenues showed more modest increases.

Not all taxes yielded more than in the preceding year's corresponding period. The tax on distilled spirits declined \$400,000 or 20.4 per cent, while the franchise property tax was down \$300,000 and a modest decline was shown in cigarette tax collections.

***College Makes in Lieu
Payments to Hoboken***

Although the New Jersey Supreme Court has specifically ruled that the

Stevens Institute of Technology as an educational institution is not subject to ad valorem property taxes, the institute recently paid the city of Hoboken, New Jersey, where it is located, \$20,000 in lieu of taxes for former years and indicated that it expects to continue payments on an annual basis.

The institute trustees have voted, according to press reports, to make payments to the city as "gifts" to reimburse the city for fire and police protection and other municipal services. The school at one time paid the regularly levied property taxes amounting to as much as \$55,000 annually, but stopped when the courts held it exempt. The \$20,000 paid earlier this year was half for 1948 and half for 1949 services, with an indicated payment of \$12,000 to be made for 1950.

Courts Invalidate Local Tax Laws

Among recent court decisions affecting local revenues, the cities have fared none too well.

Efforts of the city of Philadelphia to extend its so-called income tax to include unearned income and returns from investments and corporate earnings were frustrated by the Pennsylvania Supreme Court which, in mid-February, upheld a taxpayers protest. The tax was held to be too "vague and uncertain" to be enforced.

The effort to extend the city income tax was made in connection with an increase in the tax rate from 1 per cent to 1.25 per cent. The income heretofore taxed has been that from salaries and wages, and the court's decision did not affect the continuation of that tax.

The Montana Supreme Court, in the case of *Lindeen v. Montana Liquor Control Board, et al.*, ruled on June 18, 1949, that the liquor excise tax of 6 per cent, adopted by the legislature in 1949, is

unconstitutional. The basis for the decision was section 4 of article 12 of the Montana constitution, which prohibits the state legislature from levying taxes for purely local purposes.

Under the law (chapter 15) the Montana Liquor Control Board was directed to "charge, receive and collect" a tax of 6 per cent of the retail price on all liquor sold and to apportion the tax to the treasurers of the counties according to the amount of liquor sold by the board to the purchasers in each county. The counties, after giving the cities and towns their proportionate share, would retain the balance in their own general fund. No limitation was made on the use which counties, cities or towns might make of the money so received.

Portland, Oregon, was upheld by the Oregon Supreme Court in its right to impose a business and occupational tax based on gross receipts. The court in the same decision reaffirmed that the state's 6 per cent tax limitation applied only to ad valorem property taxes. (The tax levy in any year, except for debt service and specifically voted purposes, may not exceed by more than 6 per cent the levy in any one of the three preceding years).

Yonkers Sells Million of Realty

Budget estimates for 1949 that the city of Yonkers would be able to realize something over one million dollars from the sale of foreclosed real estate were more than fulfilled, according to press reports. The estimate had led to extended public criticism of some officials and a political battle which is said to have been responsible for the resignation of the city manager.

The budget anticipation for the year which started all the fuss had been \$1,175,000. According to preliminary figures gross sales in 1949 actually

amounted to \$1,316,627, and net sales, after exclusion of deals which were not closed for one reason or another, amounted to \$1,104,917, from which an income of \$1,256,505 was accrued. Sales of the property were possible because of "bulk foreclosure" actions taken under the recently enacted state law permitting tax foreclosure by actions *in rem*.

Virginia Bill Exempts Radio and Video

A bill to exempt radio and video stations from municipal license taxes was before the Virginia House of Delegates late in February, after favorable Senate action, according to newspaper reports. Sponsors of the bill reportedly argued that the stations should be exempt from license control on a "freedom of the press" basis. The city of Martinsville, which imposes a radio license tax, opposed the bill.

Legislatures to Seek Fewer New Taxes in 1950

Programs now before state legislatures indicate there will be a determined effort to hold the line against new or increased taxes this year, according to a forecast of 1950 legislation by the Federation of Tax Administrators. This is a reversal of the situation last year when more than half the states raised tax rates.

Of the fourteen legislatures now sitting, passage of major revenue legislation seems likely in only two. The Texas legislature convened in special session on January 31 to provide funds for an expanded program for hospitals and state institutions. The problem of financing long range highway improvement programs is receiving major attention in Mississippi's regular session.

The lawmakers' opposition to new or increased taxes was attributed to a general aversion against increasing an

already heavy combined federal-state-local tax burden.

Seven legislatures — Georgia, Kentucky, Massachusetts, New Jersey, New York, Rhode Island and Virginia — either were charged by their administrations to hold the tax line or were presented with budgets which could be balanced without additional revenue measures. New taxes in South Carolina were considered a possibility only if state finances took a sudden turn from a condition of surplus to one of deficit.

Tax reduction measures seemed likely in Maryland where the governor called for cuts in income and property levies amounting to \$3,800,000. Maryland expects to end the year with a surplus of \$7,200,000. In Idaho the governor asked the legislature to consider a reduction in the income tax.

Special legislative sessions in Maine and South Dakota are concerned with appropriating additional funds for welfare and education and matching federal funds for highways, respectively.

Cities Spend More for Planning

Planning expenditures for eleven of the country's thirteen cities over 500,000 totaled \$2,000,000 in 1949—an increase of 10.9 per cent over 1948, according to the International City Managers' Association. All but three of these eleven cities spent more for planning last year than in 1948.

Philadelphia topped all others, nearly doubling its 1948 appropriation to \$516,434. That city also had the largest per capita expenditure for planning purposes, 26.5 cents per person. Runners-up were San Francisco, 24 cents; Los Angeles, 19.2 cents; Milwaukee, 16.8 cents; Cleveland, 13 cents. Boston and New York had the smallest planning budgets of cities of comparable size per capita—Boston's ex-

penditure was 4.3 cents per capita while New York's was 4.9 cents.

Here's the rank of other big cities' 1949 planning expenditures: Los Angeles, \$346,867; New York, \$328,205; Chicago, \$225,000; Detroit, \$162,076; San Francisco, \$198,259; Cleveland, \$129,430; Milwaukee, \$98,462; St. Louis, \$49,900; Boston, \$33,675 and Buffalo, \$28,546.

Special grants augment planning budgets in some of the major cities. Chicago's planning commission, for example, will receive about \$100,000 from housing and land clearance agencies for studies in addition to those scheduled under its regular budget.

COUNTY AND TOWNSHIP

(Continued from page 198)

shifts in governmental responsibilities and equalize taxes as between individual taxpayers and groups of taxpayers. Revise city and county millage rates in terms of expanded city functions and curtailed county functions. Undertake a thorough, scientific appraisal of all taxable property in Atlanta and Fulton County.

City-County Cooperation in the News

Terry County and the city of Brownfield, Texas, are cooperating in the construction of a health center. Each is contributing one-fourth of the cost, the federal government supplying the remainder.

Cleveland County, North Carolina, may have to provide fire protection for its residents because the new fire truck purchased by the city of Shelby may be too heavy for many county bridges. At present more than five hundred

county residents have deposited \$100 each with the Shelby fire department as a guarantee of payment in case it is called.

Wisconsin County Treasurers Hold Institute

The Bureau of Government of the University of Wisconsin has published a summary of the speeches presented at the second annual institute on administrative procedures for the treasurers of Wisconsin Counties.¹ Also included are a list of additional questions submitted by county treasurers for general consideration at the institute and an appendix containing copies of statutes, forms and other material useful to Wisconsin county treasurers.

Baltimore County Makes Business Survey

The Baltimore County, Maryland, Trade Commission, an official agency of the county commissioners, has initiated a survey of 1,875 corporations and other business firms in the county. It is designed to gather basic reference information, develop leads for opportunity development and bring to light complaints as to neighborhood problems that may be deterrents to business and industry.

Interest in the activities of the Trade Commission is extending beyond Baltimore County. Recently a group of twenty business leaders in Anne Arundel County met to study the need for establishing a trade commission as well as a planning commission within the county government.

¹*Second Annual Institute on Administrative Procedures for the Treasurers of Wisconsin Counties 1950.* Madison, Wisconsin, 1950. 53 pages. \$1.

Citizen Action

Edited by Elsie S. Parker

9000 Voters Nominate Candidates by Postcard

Grand Rapids Selects a Slate in Dramatic Poll

CHALKING up another victory, after its recall proceedings against Mayor George W. Welsh and other city councilmen,¹ the "Citizens Action" group of Grand Rapids, Michigan, on February 20 elected its candidate for mayor and three of its four candidates for ward councilmen, all by overwhelming votes. The fourth candidate won the nomination but must face a run-off election in April.

An especially significant part of this story of civic fury is the manner in which the group nominated its candidates. In December the 27,000 voters who had signed recall petitions were sent letters by Citizens Action, asking suggestions for candidates. In January, the names of those most frequently suggested, and found to be qualified, were sent to the 27,000 signers—all considered members of the organization—on a double postcard. "These men have not been asked for permission to use their names on the card," said the message. "The man receiving the highest number of votes for each office will be the man we shall seek to run for that office with Citizens Action support." The return cards, marked but unsigned, were delivered directly to a well known firm of certified public accountants.

When the returns were in and tabulated it was discovered that the winner for each office in the poll secured a clear majority on the 9,000 cards which

were returned. Paul Goebel, the successful nominee for mayor, was supported by more than 5,000 of the cards, and he had little choice but to accept the nomination. This was true in similar proportions for each of the ward nominees.

Sole issue in the campaign was "the people versus bossism," made concrete and dramatic by the city council's dismissal of Manager Frank Goebel the previous May for his refusal to take machine dictation in the appointment of a city assessor. The issue became more generalized in the demand for freedom from fear of threat and reprisal from the machine on the part of city employees, business men, laboring men and taxpayers.

How did Citizens Action win? Here are some statistics on participation reported by Mrs. Siegel W. Judd, vice president of Citizens Action:

9,000 helped to select candidates through the postcard poll;

500 contributed ten cents to \$100 each, with a few gifts of \$200 to \$500.

100 ward committeemen secured block workers;

700 Citizens Action Neighbors (block workers) called on perhaps 25,000 households;

450 telephoners called the Citizens Action membership of 27,000 on election day;

50 drivers and baby sitters aided in getting old folks and young mothers to the polls.

Great help was given the campaign by the *Press* and the *Herald*, which hammered away day after day both in news columns and editorially.

What was the effect of the victory? Here is what Mrs. Judd has to say: "On the people? Complete elation—an orgy of mutual congratulations, a

¹See the REVIEW, June 1949, page 291; September 1949, page 402.

long sigh of relief. On the leaders? A sober realization of continuing responsibility. With all the months of hard labor that went into this 1950 municipal primary, the older leaders know that it is the easiest victory Citizens Action will ever have."

Committee for Kentucky Sings Swan Song

Its twelfth—and last—report to the people has been published by the Committee for Kentucky. *Blueprint for a Greater Kentucky* (104 pages) summarizes the committee's first eleven reports, each of its chapters discussing a different phase of the organization's program — agriculture, education, health, welfare, urban housing, manufacturing, labor, natural resources, highway transportation, government and taxation. Listed are the legislative measures suggested by the committee in the various sections of the report.

"The purpose of this *Blueprint for a Greater Kentucky*," to quote its concluding paragraph, "is to set up broad guideposts to show the way. Kentucky has the resources, the ingenuity and the potential qualifications necessary to support this program. If we want to we can provide the revenue to bring our services at least up to the national averages. If we want to we can raise the capital necessary to put our school plants and hospitals and our other institutions on a par with other states. If we want to we can raise the level of education, health and economic opportunity for every Kentucky family. Only by doing so can we make democracy effective in Kentucky. Only by doing so can we truly achieve a greater Kentucky."

"One whole day jammed full of action!" was the slogan for the Inventory Conference sponsored by the committee which, led by Harry W.

Schacter of Louisville, has made the state's communities very self-conscious of their needs and their ability to meet those needs.

Four sessions, including a banquet at which all the delegates were guests of the Committee for Kentucky, kept the conference on its toes. Planned to stimulate citizen interest in building better communities, the conference heard reports of achievements from many local communities and learned from state officials of the resources and facilities available to aid localities to help themselves. It promoted a better understanding of the nature of the community and its development, provided an opportunity for exchange of ideas, and lessened the gap between the community and the state by giving an understanding of the problems of each.

One of the outstanding events of the day was the taking of motion pictures of the conference by the United States Department of State as the beginning of a documentary film on the work of the Committee for Kentucky, to be shown in 150 U. S. outposts in 52 foreign countries. Some 500 delegates from 99 communities found themselves facing powerful klieg lights as cameras ground. Backdrop for the movie was a huge map of the state, with its 120 counties outlined in pastel colors, bearing the slogan, "Pulling Together for the Good of Kentucky."

Mr. Schacter, founder and president of the organization, made the closing address on "The Battle for Democracy Will be Won in the Local Community." He voiced his faith in the citizens of the community to continue the "march of Kentucky," as evidenced by the projects reviewed during the sessions. "The job of the Committee for Kentucky is finished," he said. "The job of the people has just begun."

Wisconsin Women Voters Study State Finance

Like other organizations interested in the general welfare, the Wisconsin League of Women Voters has for many years urged new or improved state and local government activities *without* giving consideration to how these expanded activities were to be financed. Realizing this shortcoming the league, at its 1949 state convention, adopted the following as its sole study program for the 1949-1950 year:

Examination of state tax policy, budget and budget procedure in order to understand:

1. What are sound state fiscal policies;
2. Where state services are least adequate to meet the need;
3. What are the best sources of revenue to finance these services.

This program is most timely because Wisconsin is currently spending more money than it is receiving in taxes, thanks to a wartime accumulated surplus. By 1951 this surplus will be depleted and the state legislature must either impose new taxes or curtail expenditures. A State Legislative Council committee is currently studying the state tax system.

To provide local chapters of the league with a guide to their study, the league has issued a 64-page pamphlet, *The Most for Our Money—Wisconsin Taxes and Tax Problems*. Prepared by Miss Clara Penniman, a graduate student at the University of Wisconsin, this pamphlet has been widely acclaimed. In addition to factual material on state taxes, spending and budgeting, the pamphlet contains five chapters outlining problems for discussion on: Improving the property tax, strengthening the income tax, should we adopt a general sales tax? can we improve the way we run our

budget? can state and local governments work together better? Each chapter is followed by a discussion outline.

Using this pamphlet, the 22 Wisconsin leagues are currently studying the problem in small discussion groups and in general meetings open to the public. Arising from these discussions will be recommendations for the state platform to be adopted at the next convention of the league in May. This platform will be urged upon the state legislature which meets next in January 1951. As part of its general program to make all citizens aware of governmental problems, the league is sponsoring radio talks, newspaper articles and panel discussions.

HUGH D. INGERSOLL

Students Hold Model Constitution Conventions

The Intercollegiate Conference on Government, representing some 65 Pennsylvania colleges and universities, will hold its fourteenth annual meeting April 14-16 at Harrisburg. Each year the conference assumes some form of government assembly—this year a constitutional convention to draft a new constitution for Pennsylvania. Each college sends selected student undergraduates as delegates and a faculty adviser. The conference was organized in 1934 to dramatize the working of state government.¹

In Hawaii the Young Men's Christian Association recently held a model constitutional convention at which young delegates from Hi-Y groups prepared a constitution for Hawaii "on a Hi-Y level," says Sheldon E. Swenson, associate general secretary.

¹See also "Collegians Steal Legislators' Fire," by Malcolm L. Webb, the REVIEW, July 1936, page 412; "Learning by Doing," by Leonard B. Gerson and Irving J. Zipin, July 1940, page 451.

Both the Pennsylvania and Hawaiian groups used the *Model State Constitution* of the National Municipal League as a text book.

Citizens Honor Manager

To celebrate the 25th anniversary of his appointment as a city manager, the citizens of Teaneck, New Jersey, led by the Teaneck Taxpayers League, gave honor to Paul Volcker at a dinner on February 18. Mr. Volcker's first managerial appointment was in Cape May, New Jersey, in 1925. He became manager of Teaneck in 1930. Chief speaker of the evening was Richard S. Childs, "father" of the council-manager plan. Musical entertainment was furnished by Miss Helen Jepson, a former Metropolitan Opera star.

Issued in honor of the occasion was a program depicting Mr. Volcker standing in a background of numerous Teaneck scenes. In the February 19 issue of the Teaneck *Sunday Sun* all news, editorials and advertisements were directed to congratulations for Mr. Volcker.

* * *

"Miss Government"

A unique event in the annals of contests has been announced by the League of Women Voters of Minnesota. Its state organization of college leagues, with Marie Swensen, president, providing the "spark that counts," is in charge of the contest, which all college girls, whether college league members or not, are eligible to enter. The contest is to pick a "Miss Government," who will be the top scoring girl in a series of quizzes based on *You Are the Government, a Handbook for Minnesota Citizens*, published by the Minnesota league. The winner will fly to Washington for a weekend visit, and will be piloted about and feted by national league officers and staff.

Irate Voters Get Action

City hall in Clifton, New Jersey, was the scene of a stormy meeting when irate citizens met with the board of education to protest appointment of school principals whom they considered too inexperienced for the job. According to the Paterson *Morning Call*, commenting editorially, "They did it with sufficient vehemence to make the Clifton board of education rescind its original ill-advised action." "To us," says the paper, "such an outpouring of citizens was a most encouraging sign of the revival of democracy in action."

* * *

Gravy Train Disapproved

The committee on legislation of The Citizens Union of New York disapproves of a proposal by State Senator Morritt and Assemblyman Bannigan to give legislators an allowance of \$1,500 a year, in addition to traveling expenses, "in lieu of" all other expenses. The committee believes that an annual distribution of a quarter of a million dollars in "lulus" would be improvident. It pointed out that legislators have recently had their salaries raised from \$2,500 to \$5,000.

The union disapproves also of the salary increases given high officials in New York City last December. It comments that these were the second large increases in two years.

* * *

'Speaking of Money'

"The City Charter Committee is unique. It is probably the only political movement in the United States that is financed entirely by voluntary contributions. There is no patronage to dispense, no jobs to give away in county or state organizations and no pressure to be put on jobholders. The contributions of public-spirited citizens are its sole support. . . . The City Charter Committee has been the major

reason for good government in Cincinnati for 25 years—and good government, like everything else, does not come for free.” — R. Earl Denman, chairman, finance committee, Cincinnati City Charter Committee.

* * *

Reapportionment

The *Civic Searchlight* of the Detroit Citizens League devotes its lead article in January to a report on a meeting called to consider the need for legislative reapportionment. The meeting was sponsored by the League of Women Voters of Michigan “to get the thinking of many groups and interests to the end that a plan, as agreeable as possible to all, may be developed.”

Mrs. Joseph Howell of Detroit, chairman of the LWV committee on reapportionment, commented in her talk: “Whether or not there should be reapportionment at all or reapportionment under the present or some other plan, we should not have the situation that has long existed of legislators, elected and sworn to uphold the constitution, flouting its very provisions by refusal to act.”

Another meeting is being planned for the formulation of a specific plan of action. “Whatever plan is arrived at,” reports the *Searchlight*, “will have to be submitted to the voters of the state in the form of a proposed amendment to the constitution. To initiate such proposed amendment will require something over 200,000 signatures to petitions.”

Reapportionment is also a live subject of debate in Oregon where labor groups, Young Republicans, Young Democrats and others have put forward suggestions for action. The Portland City Club recently heard Giles L. French, editor of the *Sherman County Journal* and state legislator for Gilliam, Morrow, Sherman and Wheeler Counties, on “Reapportionment of the Ore-

gon Legislature.” The City Club plans to study all ballot measures concerned with the subject, submitting its findings to members.

* * *

Radio Program

The Kansas City Association of Community Councils has organized a weekly radio program which began early in March. It will feature discussions of city problems by local leaders and city officials.

* * *

Report on City Finance

The *Report of the Berkeley Citizens' Taxation Committee* is a thorough-going job which discusses where that California city gets its money and how it spends it. Most important, it makes recommendations for future action. Appointed by the mayor and council, the committee compared present costs with those of earlier years and those of other cities. It discovered that while costs have risen sharply, compared to other community costs, they are still low. “The city tax bill constitutes only a small part of the taxes paid by Berkeley citizens.”

* * *

Conferences—Past and Future

The North American Conference on the Community, covering the United States, Canada and Mexico, will meet April 13-15 at the Deshler-Wallick Hotel, Columbus, Ohio. Held under the auspices of the American Council for the Community, the conference will discuss three questions: (1) How do we see the community, its ingredients, its planning, its physical-social-spiritual balance? (2) How organize the community job and how train the people that do the job? (3) What practical things must be done by states, provinces and national organizations to help communities help themselves? Registration for the conference may be made through the council at 60 East

(Continued on page 216)

Research Shows Way to Better State Government

Notable Reports Come From Connecticut, Texas, Hawaii

ALTHOUGH the states have lost a great deal of power and function to Washington, their absolute importance in our system is greater than ever. As *The Report* of the Connecticut Commission on State Government points out, Connecticut now spends at least \$125,000,000 a year and employs 17,000 people. "This means that on the average about one in 112 of our citizens works for the state—a ratio not far below that for the civilian establishment of the federal government."

The Report is unique in a number of respects, including its comprehensiveness and style of presentation. The writing is especially clear and incisive. In 81 easy-to-read pages it does an effective job of marshaling fact and logic in support of its specific proposals for reorganization of all three branches of the government and the rewriting of the constitution.

No better statement can be found anywhere on the need for giving the governor the essential means to be a real chief executive by providing him with staff agencies, reducing the number of departments and putting each one in charge of a single commissioner appointed by the governor without term and without confirmation. "The practice of confirmation in our state government is in hopeless confusion. . . . In connection with administrative posts it is fatal to clear responsibility, and therefore to the possibilities for better management."

Members of the commission did not evade any questions no matter how tough. When, in the case of reapportionment, they were unable to agree they said so. They did, however, point out emphatically that "it is morally indefensible" to permit the legislature to have the power to block reapportionment or future constitutional revision. Consequently, they recommend "a new method of constitutional amendment (by a carefully safeguarded initiative procedure) that will relieve the general assembly of the difficult responsibility of passing on its own basis of apportionment."

The Report is, of course, tailored to Connecticut traditions and needs. Its recommendations would therefore not fit any other state in every particular. For example, it is doubtful if it would be safe in every state to write a judicial article in just 103 words. In many states it would probably be better to go into enough detail to make the court system and the position of the chief justice as the responsible head of that system more nearly independent of future legislative enactments. A unified court with responsible administrative direction is contemplated by the report, but the actual realization of this objective will depend upon the legislature.

On the other hand, in states where the direct primary is well established (South Carolina and Connecticut are the only ones that rely exclusively on caucuses and conventions), there would be no necessity for a provision requiring "direct primary nomination of candidates for all elective state, county, city, borough and town officers and for United States senators and representatives." The proposed Connecticut constitution has good self-

executing provisions on such crucial matters as reapportionment of the Senate, the initiative and referendum, and constitutional revision, but leaves it to the legislature to implement provisions for home rule and administrative reorganization, which are made self-executing in the *Model State Constitution*.

The commission's constitution, which takes less than twenty pages, is a convincing demonstration of the fact that it is still possible in the middle of the 20th century to confine a constitution to fundamental matters and to write it in plain concise English that speaks to the layman as clearly as to the lawyer.

Some of the reasons for the excellence of the work of the commission are set forth in the editorial in this REVIEW. Suffice it to add here that the result shows what can be done when adequate fiscal resources, a well organized staff of the best available professional talent, and top flight and imaginative citizen leadership are brought together in an effective working combination.

Connecticut was ahead of some states in that the chairman of the commission was Carter W. Atkins, executive director of the Connecticut Public Expenditure Council with its experienced staff and their accumulated knowledge of state and local government. With this background it was easier than it might otherwise have been to assemble and direct the staff of some 120 specialists, about half of them from outside the state and many of them with experience both with the Hoover commission and with other state reorganizations.

A great deal of credit must also go to Ralph P. Sollott, staff director. A careful study of the organization of the staff into manageable projects with a highly experienced director in charge

of each is recommended for anyone making a similar study in any other state or, for that matter, in a large city.

The second report in a series dealing with constitutional revision has been issued by the Bureau of Municipal Research, University of Texas. The 74-page volume entitled *Public Relations Program for a Citizen Committee*, by John P. Keith, is in effect a manual on the organization, strategy, policies, procedures and financing of a state citizens committee for constitutional revision. The volume includes a chapter summarizing lessons from experience in revision campaigns in New York, Georgia, Missouri and New Jersey. This study, as well as the first report on *Methods of Constitutional Revision*, should be almost as valuable outside as inside Texas.

The Legislative Reference Bureau of the University of Hawaii has brought up to date and assembled its previously issued background manuals on state constitutions and published them in one volume, *Manual on State Constitutional Provisions*, prepared for the Constitutional Convention, Territory of Hawaii, 1950. This manual of 396 pages includes useful tables not available anywhere else, selected constitutional provisions on important subjects, and a bibliography. This is the most up to date comprehensive single volume manual on the revision of state constitutions now available. It may be obtained from the Hawaii Statehood Commission, P. O. Box 3775, Honolulu, at \$3 per copy.

Upson Fellowships in Public Administration

The Bureau of Governmental Research, Farwell Building, Detroit, Michigan, has announced the offering of Lent D. Upson fellowships for graduate training in public administration. Amounts of the fellowships run

from \$1,800 to \$2,250 for twelve to fifteen months beginning in July or September 1950. Courses in public administration will be given at Michigan or Wayne University, together with on the job training of not less than 1,080 hours. The fellowships commemorate the late Dean Upson, formerly head of the bureau.

Research Pamphlets and Articles

Assessment

Valuation of Property: Economic and Legal Standards. By James W. Martin and Milford Estill. Frankfort, *Kentucky Law Journal*, November 1949. 24 pp.

Budget

1950 Budget. Newark, Bureau of Municipal Research, *Memo*, February 10, 1950. 2 pp.

City Council

The City Council on Trial. Lincoln, Governmental Research Institute, *Bulletin*, February 1950. 3 pp.

Courts

Municipal Courts of New Hampshire. By Leonard Sawyer. Durham, University of New Hampshire, Bureau of Government Research, *New Hampshire Town and City Notes*, Spring 1949. 28 pp.

Debt

The Constitutional Debt Limit of New York City. New York, Citizens Budget Commission, February 15, 1950. 12 pp.

Education

Certification of Teachers. A Study of Educational Administration in Kentucky. Frankfort, Kentucky Legislative Research Commission, 1950. 27 pp. tables.

Memorandum to the Governor and Members of the Legislature on School Construction Needs. Albany, Citizens

Public Expenditure Survey of New York State, 1950. 5 pp.

Should New York City Adopt Fiscal Independence for Education? New York, Citizens Budget Commission, 1950. 19 pp. tables.

Federal Grants-in-Aid

Federal Grants-in-aid to Oklahoma, 1949. Oklahoma City, Oklahoma Public Expenditures Council, *Your Report on Government*, January 1950. 4 pp.

Federal Reorganization

The Hoover Report—Half a Loaf. A Summary, Analysis and Evaluation. Washington 3, D. C., Public Affairs Institute, 1949. 47 pp. 50 cents.

Metropolitan Areas

First Report, Section One, the Committee on Metropolitan Problems. Summary of First Report (mimeographed). Toronto, Civic Advisory Council, 1949. 97 and 13 pp. respectively.

The Metropolitan Problem. Toronto, Bureau of Municipal Research, *Civic Affairs*, January 16, 1950. 4 pp.

Parking

How Cities Handle Peak-Hour Parking Violators. San Francisco, Bureau of Governmental Research, *Bulletin*, January 27, 1950. 2 pp.

Municipal Off Street Parking Buildings. Des Moines, Bureau of Municipal Research, *Bulletin*, February 1, 1950. 1 p.

Personnel

State Personnel Administration in Colorado. Denver, Colorado Public Expenditure Council, 1949. x, 28 pp. tables.

Police

Better Use of Police Manpower. Detroit, Bureau of Governmental Research, *Bureau Notes*, February 13, 1950. 4 pp. charts.

Police Costs Again Increased. San Francisco, Bureau of Governmental Research, *Bulletin*, January 13, 1950. 2 pp.

Public Relations

Public Relations in a Small Town. Philadelphia, University of Pennsylvania, Associated Institute of Government of Pennsylvania Universities, *Municipal Administration*, January 1950. 2 pp.

Public Welfare

The Kansas Welfare Program. Lawrence, University of Kansas, Bureau of Government Research, *Your Government*, January 15, 1950. 3 pp.

What Is Done for Needy Aged? Programs of Forty-eight States Reviewed. By Harry V. Cheshire. Los Angeles, California Taxpayers' Association, *The Tax Digest*, February 1950. 12 pp. tables. 25 cents.

Research

Documentation. By S. C. Bradford. (Describes the nature, purpose and technique of documentation as the key to the efficient application of scientific knowledge; and technique of libraries, abstracting and information services.) Washington, D. C., Public Affairs Press, 1950. 156 pp. \$3.

Salaries

Many Proposed City Salary Increases Unsupported by Survey Data. San Francisco, Bureau of Governmental Research, *Bulletin*, February 21, 1950. 2 pp.

Smoke Abatement

Proposed Smoke Abatement Ordinance. Municipal Services to Be Improved by the Bureau of Sanitation of the City Health Department. Schenectady, Bureau of Municipal Research, *Research Newsletter*, January 28, 1950. 1 p.

Social Security

Proposed Expansion of Social Security Program. Jefferson City, Missouri Public Expenditure Survey, January 1950. 8 pp.

State Government

The Growth of State Administration in Mississippi. (As measured by these four yardsticks: (1) Increase of state services since 1817; (2) growth of organizational machinery for administration; (3) increase in state disbursements since 1830; (4) expansion of personnel since 1920.) By Robert B. Highsaw and Carl D. Mullican, Jr. University, University of Mississippi, Bureau of Public Administration, 1950. vii, 108 pp. Tables.

Reorganization in New Hampshire Pays. Concord, New Hampshire Taxpayers Federation, *New Hampshire Taxpayer*, February 1950. 1 p.

State Organization and Administration. A List of References on Selected Problems, with Special Reference to the Michigan Situation. Compiled by Ione E. Dority. Ann Arbor, University of Michigan, Bureau of Government, 1950. 19 pp.

State-Local Relations

Milwaukee County Gets Less State Aid Than Other Urban Areas for Welfare and Health Services. Milwaukee, Citizens' Governmental Research Bureau, *Bulletin*, February 9, 1950. 3 pp.

State-Local Fiscal Relations in Kansas. Lawrence, University of Kansas, Bureau of Government Research, *Your Government*, February 15, 1950. 3 pp.

Technical Assistance to Alabama Governments. A Directory.¹ University, University of Alabama, Bureau of Public Administration, 1949. 185 pp.

Traffic

Proceedings of Northwest Conference on Traffic Engineering. Seattle, University of Washington, Bureau of Governmental Research and Services

¹See also "Technical Services Directories Issued," the REVIEW, June 1949, page 308.

in cooperation with The Division of Adult Education and Extension Services, 1949. 64 pp., charts.

Traffic in the Poughkeepsie Area. A Survey Report on Parking and Traffic Problems and Possible Solutions. Poughkeepsie, Area Development Association, 1950. 47 pp. \$1.

Streets and Highways

Design Standards for Major and Secondary City Streets. Instructions for Determining Practical Working Capacities. Seattle, University of Washington, Bureau of Governmental Research and Services, in cooperation with Association of Washington Cities, January 1950. 14 pp.

Financing Highways in Utah 1949. Salt Lake City, Utah Foundation, 1950. 4 pp.

Fiscal Planning for Connecticut's Highways. Hartford, Connecticut Public Expenditure Council, *News and Views*, February 16, 1950. 2 pp.

Street Maintenance. Progress to Date and Further Steps Toward Improvement. Baltimore, Commission on Governmental Efficiency and Economy, *Your Tax Dollar*, January 16, 1950. 3 pp.

Taxation and Finance

Administration of Municipal Sales Taxes in California. By James D. Kitchen. Los Angeles, University of California, Bureau of Governmental Research, December 1949. 50 pp. tables, bibliography. 50 cents.

Connecticut's Financial Future — Economy or More Taxes. Hartford, Connecticut Public Expenditure Council, *News and Views*, January 25, 1950. 2 pp.

The Constitutional Tax Limit. A Summary. New York, Citizens Budget Commission, February 15, 1950. 19 pp.

An Economy Program for Buffalo

and Erie County. Buffalo, Municipal Research Bureau, *Just a Moment*, January 26, 1950. 3 pp.

Financial Data on the City of Providence, 1940-1949. Providence, Governmental Research Bureau, *Bulletin*, January 1950. 11 pp. tables.

The Property Tax. Toronto, Citizens Research Institute of Canada, *Effective Government*, February 4, 1950. 5 pp.

Property Taxes and Tax Rates in Milwaukee County. Milwaukee, Citizens' Governmental Research Bureau, *Bulletin*, February 2, 1950. 3 pp.

Revenue Problems of the State of Washington. An Evaluation of the Tax Structure and Suggested Changes. Address of Governor Arthur B. Langlie and the Proceedings of the Taxation Section, Fourteenth Annual Institute of Government, 1949. Seattle, University of Washington, Bureau of Governmental Research and Services in cooperation with the Division of Adult Education and Extension Services, December 1949. 38 pp.

Review of the 1949 Tax Year. Wisconsin State and Local Taxes Produce All-Time Record High Revenues of \$392 Million. Madison, Wisconsin Taxpayers Alliance, *Wisconsin Taxpayer*, December 1949. 4 pp.

State and Local Government Expenditures Reviewed. Madison, Wisconsin Taxpayers Alliance, *The Wisconsin Taxpayer*, February 1950. 8 pp. charts.

Substantial Rise in Municipal Expenses in 1950-51. San Francisco, Bureau of Governmental Research, *Bulletin*, January 25, 1950. 1 p.

Taxable Valuations in Counties. Assessed Property Tops \$13 Billion. By Richard Winter. Los Angeles, California Taxpayers' Association, *Tax Digest*, January 1950. 6 pp. tables. 25 cents.

Taxes. An up-to-date tax dictionary of all state and federal taxes levied in Wisconsin — state and federal income tax guide. Madison, Wisconsin Taxpayers Alliance, December 1949. 64 pp. 25 cents.

Taxes Paid by Motor Vehicle Owners in Utah. Salt Lake City, Utah Foundation, 1950. 4 pp.

Tax Exempt Property. 1949-50 Total Up 15 Per Cent. By Richard Winter. Los Angeles, California Taxpayers' Association, *Tax Digest*, February 1950. 6 pp. 25 cents.

Vocational Education

Vocational Education in Pennsylvania. Harrisburg, Pennsylvania State Chamber of Commerce, December 1949. 20 pp. Tables.

Water Supply

An Adequate, Permanent Water Supply for New York City. New York, Citizens Budget Commission, February 15, 1950. 7 pp.

Rochester and Its Water Works. Rochester, New York, Bureau of Municipal Research, *Bulletin*, December 1949. 4 pp.

Zoning

Industrial Sites Receive Protection. Philadelphia, Bureau of Municipal Research, *Citizens' Business*, February 21, 1950. 3 pp.

CITIZEN ACTION

(Continued from page 210)

42nd Street, New York 17.

The Council for the Community has issued its report on another conference, *The Training of Community Counsellors*, held September 29-October 2 at Garden City, New York. Divided into four sections the report discusses major recommendations, the job, the worker, and the problem of training.

The Sixth Annual Institute of Community Leadership of the New York State Citizens' Council will be held June 15-18 at Colgate University, Hamilton, New York.

Report of the Fourth Annual Conference on Citizenship, held in New York May 14-18, 1949, is now available at 50 cents, with a reduction on quantity orders. The conference was held under the auspices of the National Education Association and the United States Department of Justice, with Vice President Alben W. Barkley as honorary chairman.

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Strictly Personal

The Hamilton County Good Government League has announced the resignation of Miss Marjory J. O'Hare as its executive secretary and the appointment of George H. Palmer to succeed her.

The Citizens Union of the City of New York has made several changes on its executive committee: Additions include Mrs. Genevieve B. Earle, retiring minority leader of the New York City Council, and Dr. Neva R. Deardorff, research director of the Health Insurance Plan of Greater New York. Dr. Deardorff has also been made chairman of the union's committee on city planning, succeeding Guy Greer, now with the federal Urban Redevelopment Administration in Washington.

Frederick V. Geier, president of the Cincinnati Milling Machine Company, has been elected president of the Cincinnati Citizens Development Committee. He had served formerly as its vice president. Joseph B. Hall, retiring president, has been named chairman of the executive committee.

Francis A. Harrington has been elected president of the Citizens Plan E Association of Worcester, Massachusetts, succeeding Robert B. Service, Jr.

Books in Review

Metropolitan Los Angeles: One Community. By Mel Scott. **Metropolitan Los Angeles: Its Government.** By Helen Jones and Robert F. Wilcox. Los Angeles, The Haynes Foundation, 1949. 192 and 224 pages respectively. \$5 each.

There is an old story about a funeral in some undefined locality. At the close of the service the preacher asked, "Would any one present like to say a few words about the deceased?" At first there was no response, but then a gentleman arose in the back of the room and said, "I did not know the deceased but if you don't mind I'd like to say a few words about Los Angeles."

It is a fact that Los Angelenos have seldom missed an opportunity to tell the story of their astounding city. No community has ever been raised from so little to so much by the conscious and deliberate efforts of its people.

These twin volumes, intended, as their introductions tell us, for use as supplementary reading in the last year of high school in the Los Angeles metropolitan area, are in bulk (the pages are over eight by ten inches) and lavishness of illustration distinctly in the Los Angeles tradition. Nowhere else, to the knowledge of this reviewer, has so elaborate and costly a publication been devoted to such a purpose. With that purpose readers of the NATIONAL MUNICIPAL REVIEW will all be in sympathy and will join in the reviewer's hope that this effort to "sell" an understanding of their community to the young people of the Los Angeles area will be successful.

The first of the two volumes, *One Community*, will prove easier reading to the fraction of the U. S. population still residing outside southern California. It tells in words, graphs and

pictures the story of the development of the Los Angeles area from its discovery by the Spaniards to the present day, with an excellent analysis of some of its current problems from the point of view of a city planner. It departs, as does its companion volume, from Los Angeles tradition in speaking frankly of these problems. For example, there is the "smog" problem—how to get rid of what the author picturesquely calls "atmospheric sewage"—a subject not in Los Angeles' perennial invitation to the sun-hungry tourist and settler.

The authors of the second volume, *Its Government*, were beset by the insurmountable difficulty of explaining briefly and simply anything as complicated as the governmental arrangements which prevail in Los Angeles County, with its 45 cities and 784 special districts, especially when the principal city has a 300-page charter which has been amended 133 times in the 25 years it has been in force. It is not to be wondered at that this volume is too tightly packed with fact to be popular bedside reading.

It is disappointing that neither volume holds out any positive constructive suggestion for bringing about the governmental integration of the metropolitan area. It is possible that to be useful for schoolroom purposes the authors had to avoid taking a strong stand for any particular solution. *Its Government*, in attempting to deal with the government of a metropolitan region in its final chapter, seems to have become lost in the intricacies of the subject. The authors show, for example, a somewhat excessive enthusiasm for the accomplishments of the Massachusetts Metropolitan Commission, ignoring the fact that

a commission appointed by the governor violates the principle of local democratic control which they had previously declared to be indispensable in any metropolitan authority.

Such defects as these works have, however, arise chiefly from the difficulties of the subject. Their essential soundness is guaranteed by the fact that the work was done under the supervision of E. A. Cottrell, one of the country's leading authorities on public administration.

Any one who wants to know the facts about metropolitan Los Angeles will do well to consult these volumes. And how can any student of municipal affairs fail to be fascinated by a metropolitan area which had 33,381 people in 1880, 997,830 in 1920, and 4,142,700 in 1949; which grew straight through the country's worst depression; which when the late war was over refused to give up any of its wartime gains; and which today calmly talks of an ultimate 12,000,000 Los Angelenos. Add that this has all been done in a semi-arid region, without coal or iron, whose only local fuel supply is oil, and which has to bring its water and electricity hundreds of miles across deserts and mountains. There is only one word for it—a Los Angeles word—"colossal."

THOMAS H. REED

Police Systems in the United States. By Bruce Smith. New York, Harper & Brothers, 1949. 351 pp. \$5.

This is the classic critique of American police systems, first published in 1940 and now enlarged and revised, representing the documented findings of the best informed authority in the field. Bruce Smith's information is based on his 30 years of employment to make police surveys in ten major cities and scores of minor ones as well as of state police in several states,

providing a unique background deeply respected by police chiefs.

R.S.C.

Party and Pressure Politics. By Dayton David McKean. Boston, Houghton Mifflin Company, 1949. 712 pp. \$5.

Dr. McKean's textbook, *Party and Pressure Politics*, is a creditable addition to the list of notable volumes that have appeared in this field during the past 30 years. His volume takes on distinction not only because of his rich background as scholar and teacher but also because he draws heavily upon his experience as a former member of the New Jersey state legislature and as current chairman of the Democratic State Committee of New Hampshire. This study is a realistic treatment, distinctly practical in its approach.

Dr. McKean devotes less attention to straight party history than do most textbooks on political parties, weaving together rather effectively party history with functional party problems. He devotes a full section of four chapters to the relationship of propaganda to party and pressure politics. These chapters covering such a wide scope must necessarily be sketchy although he establishes well this inter-relationship. The chapter on "The Press and American Politics" is most relevant and a welcome addition in the light of the role and influence of newspapers in the last five presidential elections. The discussion of "Measuring Public Opinion" gives due consideration to the dramatic incidents of 1948.

Unlike recent texts which have stressed the close connection of pressure and party politics, McKean, leaning on his teaching experience, introduces his readers to the problems of pressure politics *after* the discussion of party politics. Fully one third of the volume is devoted to "Pressure Groups

and Pressure Politics," and here the chapter on "Religious Interests in American Politics" is particularly worthwhile. Readers of the REVIEW will also be interested in the consideration the author gives to the role of "Reformers and Reform Movements" in American politics.

McKean, author of *The Boss: The Hague Machine in Action* (1940), is on familiar ground in his discussion of bosses and machines. He leans heavily upon his own intimate contacts but shows his familiarity with the numerous biographies of America's colorful political bosses. This chapter is rich in anecdotes. The vital influence of the grass roots in American politics at all levels is stressed—best illustrated perhaps by his quotation from Charles Edison:

Any people, to govern themselves successfully, must get experience in the art of government. The place where the people can get their experience at self-government — and each must learn anew—is in the local governments—cities, boroughs, towns, townships, counties, school districts and states. If local governments are true democracies, we need never worry about the Great Society not being one. But we cannot expect a great democracy to exist upon a foundation of local dictatorships.

Students will find the five national party platforms for the 1948 elections, in the appendix, helpful primary sources.

It is perhaps not amiss to congratulate the publishers on the attractive format of the volume, the high quality of paper and the useful index.

BELLE ZELLER

Brooklyn College

The Design of Democracy. By Laurence Stapleton. New York, Oxford University Press, 1949. 301 pp. \$4.

A fluent marshaling of the case for democracy in the modern world and a wise analysis of its intangibles and basic realities. The treatment is subjective and the spirit is happy and hopeful.

Additional Books and Pamphlets

(See also Researcher's Digest and other departments)

Crime

The Crime Problem. By Walter C. Reckless. New York, Appleton-Century-Crofts, Inc., 1950. xii, 537 pp. \$4.25.

Directories

Directory of State Agencies and Employees in Nashville. Compiled by Mary Alice Klyce. Nashville 3, Tennessee State Planning Commission, 1950.

Housing

How to End Segregation in Housing. By Alexander L. Crosby. New York, New York State Committee on Discrimination in Housing, 1950. 14 pp.

Stepping Stones from Slums via Public Housing to Private Homes. 1948-1949 Annual Report. Memphis, Tennessee, Housing Authority, 1950. 36 pp. illus.

International Relations

International Relations—Documents and Readings. By Norman Hill. New York, Oxford University Press, 1950. xvi, 536 pp. \$4.50.

Planning

Airports and Community Planning. By Walther Prokosch. Washington, D. C., Urban Land Institute, *Urban Land*, January 1950. 3 pp.

Cleveland's General Plan. An Address by John T. Howard. Cleveland,

Regional Association, 1949. 15 pp. illus.

Local Planning in Tennessee 1948-1949. A Progress Report. Nashville, Tennessee State Planning Commission, 1949. 53 pp. illus.

The Road Ahead. Progress and Goals in Cambridge. Cambridge, Massachusetts, Planning Board, 1950. 28 pp. illus.

Public Employee Unions

Labor Unions and Municipal Employee Law—A Supplementary Report. By Charles S. Rhyne. Washington 6, D. C., National Institute of Municipal Law Officers, 1949. 63 pp. \$3.

Public Safety

Safety Code for Manlifts. New York 18, American Society of Mechanical Engineers, 1949. 22 pp.

Taxation and Finance

Annual Motor Vehicle and Related Taxes on Motor Vehicles of Various Types in the 48 States as of November 1, 1949. Chicago, Griffenhagen and Associates, 1950. 13 pp.

Assessed Valuations and Tax Levies within Multnomah County, Oregon. Reporting on assessments made as of January 1, 1949, and taxes levied for the fiscal year of July 1, 1949, to June 30, 1950. By Wilbur J. Falloon, County Assessor. Portland, County Assessor's Office, 1950. 26 pp.

Compendium of City Government Finances in 1948. The 397 Cities Having 25,000 or More Inhabitants in 1940. By Bureau of the Census. Washington, D. C., United States Government

Printing Office, 1950. viii, 96 pp. 40 cents.

Cost Accounting. By Arthur N. Lorig, John A. Danaho, etc. Chicago, Municipal Finance Officers Association of the United States and Canada *Municipal Finance*, February 1950. 32 pp. 50 cents.

Forecasts on Municipal Finance. New York City, Tax Institute, *Tax Policy*, February 1950. 8 pp. 25 cents.

Revenue and Expenditure of Selected States in 1949. Washington, D. C., Department of Commerce, Bureau of the Census, 1950. 12 pp.

Tax and Expenditure Policy for 1950. A Statement on National Policy by the Research and Policy Committee. New York 22, Committee for Economic Development, 1950. 51 pp. Single copies free, additional copies 35 cents.

Traffic Safety

Building Traffic Safety into Residential Developments. Chicago 6, National Committee for Traffic Safety, 1950. 40 pp. illus. \$1.

Operation Safety. Program Kit on Traffic Safety Promotion for May 1950. Theme: Vehicle Maintenance. Chicago, National Safety Council, 1950. Variously pagd.

Zoning

A Guide to Zoning — for Small Towns. By Southern Association of State Planning and Development Agencies. Chicago, Association of State Planning and Development Agencies, 1950. Variously pagd. \$1.